

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-6716**

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ANTONIO DEAN WALKER,

Plaintiff - Appellant,

v.

NEWPORT NEWS CITY JAIL,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Walter D. Kelley, District Judge. (2:07-cv-00481-WDK-FBS)

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Submitted: August 21, 2008

Decided: August 27, 2008

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Before WILLIAMS, Chief Judge, and KING and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Antonio Dean Walker, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Antonio Dean Walker appeals the district court's order dismissing without prejudice Walker's 42 U.S.C. § 1983 (2000) civil rights action. Because Walker may resubmit his complaint as amended to cure the defects identified by the district court, the dismissal order is not appealable. See Chao v. Rivendell Woods, Inc., 415 F.3d 342, 345 (4th Cir. 2005); Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). Accordingly, we dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED