

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7160

PATRICK O. PARKER, SR.,

Plaintiff - Appellant,

v.

JOSEPH A. HIGGS, JR., Superintendent; L. WALLACE, Ombudsman;
R. WILSON, Mr., Deputy Superintendent; SIMPSON, Sgt.,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Richmond. Robert E. Payne, Senior
District Judge. (3:06-cv-00663-REP)

Submitted: December 15, 2009

Decided: December 17, 2009

Before MICHAEL and DUNCAN, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed in part; dismissed in part by unpublished per curiam
opinion.

Patrick O. Parker, Sr., Appellant Pro Se. Alexander Francuzenko,
COOK, KITTS & FRANCUZENKO, PLLC, Fairfax, Virginia, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Patrick O. Parker, Sr., appeals a district court order dismissing his civil rights complaint concerning alleged interference with his right to worship. Insofar as Parker appeals the order granting summary judgment to Simpson, we have reviewed the record and the district court's order and affirm for the reasons cited by the district court. See Parker v. Higgs, No. 3:06-cv-00663-REP (E.D. Va. June 4, 2009). Insofar as Parker appeals from the district court order dismissing without prejudice his complaint against the remaining Defendants, a dismissal without prejudice is not reviewable by this court unless the reasons stated for the dismissal clearly disclose that no amendment to the complaint could cure its defects. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). Because Parker could cure the defect in the complaint, we dismiss in part 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.

AFFIRMED IN PART;
DISMISSED IN PART