

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-7547

CORNELIUS TUCKER, JR.,

Plaintiff - Appellant,

versus

LIEUTENANT MUNN,

Defendant - Appellee,

and

SERGEANT GRIMES; J. B. FRENCH, Warden; T.
ROYAL, Nurse; REGINA BROOKS, Parole Analyst;
PAROLE COMMISSION,

Defendants.

No. 96-6122

CORNELIUS TUCKER, JR.,

Plaintiff - Appellant,

versus

LIEUTENANT MUNN,

Defendant - Appellee,

and

SERGEANT GRIMES; J. B. FRENCH, Warden; T.
ROYAL, Nurse; REGINA BROOKS, Parole Analyst;
PAROLE COMMISSION,

Defendants.

Appeals from the United States District Court for the Eastern Dis-
trict of North Carolina, at Raleigh. W. Earl Britt, District Judge.
(CA-95-656-5-BR)

Submitted: June 20, 1996

Decided: June 27, 1996

Before HALL, WILKINS, and HAMILTON, Circuit Judges.

No. 95-7547 affirmed and No. 96-6122 affirmed as modified by
unpublished per curiam opinion.

Cornelius Tucker, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

In No. 95-7547, Appellant appeals the district court's order denying his myriad pre-trial motions. Finding no abuse of discretion, we affirm on the reasoning of the district court. Tucker v. Munn, No. CA-95-656-5-BR (E.D.N.C. Sept. 7, 1995).

In No. 96-6122, Appellant appeals the district court's final order dismissing this 42 U.S.C. § 1983 (1988) complaint. The district court assessed a filing fee in accordance with Evans v. Croom, 650 F.2d 521 (4th Cir. 1981), cert. denied, 454 U.S. 1153 (1982), and dismissed the case when Appellant failed to comply with the fee order. Again, we find no abuse of discretion. We modify the district court's order to reflect that the dismissal was without prejudice, and affirm as so modified. See 28 U.S.C. § 2106 (1988).

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.

No. 95-7547 - AFFIRMED

No. 96-6122 - AFFIRMED AS MODIFIED