

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 95-7717**

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MITCHELL BIAS DUNLOW,

Plaintiff - Appellant,

versus

DOCTOR IBARA; NURSE STEVENSON; NURSE BEVERLY,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Chief District Judge. (CA-95-1030-AM)

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Submitted: March 21, 1996

Decided: April 10, 1996

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Before NIEMEYER and MICHAEL, Circuit Judges, and BUTZNER, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Mitchell Bias Dunlow, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals from the district court's order dismissing without prejudice his 42 U.S.C. § 1983 (1988) complaint and denying his motion for temporary restraining order. Because no exceptional circumstances exist, the denial of Appellant's motion for a temporary restraining order is not appealable. Drudge v. McKernon, 482 F.2d 1375 (4th Cir. 1973). In addition, the district court dismissed Appellant's complaint without prejudice for failure to allege facts indicating that his constitutional rights had been violated. Because a dismissal without prejudice is not generally appealable, we dismiss the appeal. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). We deny Appellant's motion for appointment of counsel. 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