

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-7978

WINFRED WALLACE,

Plaintiff - Appellant,

versus

J. M. JABE,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Albert V. Bryan, Jr., Senior District Judge. (CA-95-1067-AM)

Submitted: April 15, 1996

Decided: April 30, 1996

Before ERVIN and MOTZ, Circuit Judges, and CHAPMAN, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Winfred Wallace, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals the district court's order dismissing his 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 without prejudice when Appellant failed to comply with the fee order. Finding no abuse of discretion, we deny leave to proceed in forma pauperis and dismiss the appeal. Wallace v. Jabe, No. CA-95-1067-AM (E.D. Va. Oct. 23, 1995). 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