

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-6020

LORENZO ADKINS,

Plaintiff - Appellant,

versus

J. FANNIN, Officer,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, District Judge. (CA-95-539)

Submitted: June 20, 1996

Decided: July 18, 1996

Before HALL, WILKINS, and HAMILTON, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

Lorenzo Adkins, 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Unpublished opinions are not binding precedent in this circuit.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 in a timely manner. We find no abuse of discretion. We grant leave to proceed in forma pauperis, modify the district court's order to reflect a dismissal without prejudice, as stated in the district court's memorandum opinion, and affirm the order as modified. 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 AS MODIFIED