

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-6092

JOHN DOUGLAS HASTINGS,

Plaintiff - Appellant,

versus

RONALD J. ANGELONE; GENE M. JOHNSON; PATRICK
J. GURNEY; GEORGE E. DEEDS; S. R. VANN;
SERGEANT KELLY; MARGARET WATKINS,

Defendants - Appellees.

Appeal from the United States District Court for the Western
District of Virginia, at Roanoke. James C. Turk, District Judge.
(CA-95-1044-R)

Submitted: May 16, 1996

Decided: June 4, 1996

Before RUSSELL, LUTTIG, and WILLIAMS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

John Douglas Hastings, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals from a district court order dismissing his complaint without prejudice for failure to amend. We dismiss the appeal.

This court is without jurisdiction to hear an appeal concerning an order dismissing an action without prejudice where the underlying defect could be cured by simple amendment of the complaint. Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1067 (4th Cir. 1993). Therefore, we dismiss the current 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.

DISMISSED