

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7834

JAMES A. SMITH,

Plaintiff - Appellant,

versus

RONALD ANGELONE, Director, Virginia Department
of Corrections,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern Dis-
trict of Virginia, at Alexandria. T.S. Ellis, III, District Judge.
(CA-98-423-AM)

Submitted: March 25, 1999

Decided: March 31, 1999

Before WILKINS and MOTZ, Circuit Judges, and BUTZNER, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

James A. Smith, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

James A. Smith appeals from the district court's order dismissing without prejudice his 42 U.S.C.A. § 1983 (West Supp. 1998) complaint. The district court ordered Smith to pay a partial, initial filing fee with the remainder of the fee to be paid in installments from Smith's prison account. The district court could properly require such collection from an inmate under 28 U.S.C.A. § 1915 (West 1994 & Supp. 1998). Accordingly, the court's dismissal of the action, without prejudice, when Smith failed to comply with its order was not an abuse of discretion.* We therefore affirm the district court's order. 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

* In his informal brief, Smith asserts that the failure of prison authorities to timely pay the fee was not his fault, because he directed payment upon receipt of the district court's orders. Also, two payments totaling \$8.00 were received after the dismissal of his action. This court is not the appropriate forum in which to raise these claims; rather, under Fed.R.Civ.P. 60(b), a party may move the district court for relief from a final judgment or order based upon any reason justifying relief.