

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-1176

TY BUSCH; DONNA BUSCH,

Plaintiffs - Appellants,

versus

OHIO DEPARTMENT OF REHABILITATION AND CORREC-
TIONS; WILKERSON, Director; MOHR, Warden;
VOINIVICH, Governor,

Defendants - Appellees.

Appeal from the United States District Court for the Western Dis-
trict of North Carolina, at Charlotte. Richard L. Voorhees, Dis-
trict Judge. (CA-98-302-V-3)

Submitted: May 13, 1999

Decided: May 18, 1999

Before WIDENER and MOTZ, Circuit Judges, and BUTZNER, Senior Cir-
cuit Judge.

Dismissed by unpublished per curiam opinion.

Ty Busch, Donna Busch, Appellants Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Ty and Donna Busch appeal the district court's orders denying their motions to proceed in forma pauperis and dismissing their action without prejudice. The district court assessed a filing fee and dismissed the case without prejudice when Appellant failed to comply with the fee order. See Busch v. Ohio Dep't of Rehabilitation and Corrections, No. CA-98-302-V-3 (W.D.N.C. Dec. 28, 1998). Finding no abuse of discretion, we deny leave to proceed in forma pauperis and dismiss the 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