

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-7281

ANDRE N. CUFFEE,

Plaintiff - Appellant,

v.

DEPARTMENT OF CORRECTIONS; MR. PIXLEY, Warden, Sussex 2 State
Prison; MR. PUGH, Unit Manager, Sussex 2 State Prison,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at
Norfolk. Mark S. Davis, Chief District Judge. (2:17-cv-00624-MSD-RJK)

Submitted: February 27, 2019

Decided: March 15, 2019

Before GREGORY, Chief Judge, NIEMEYER, Circuit Judge, and TRAXLER, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Andre N. Cuffee, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Andre N. Cuffee, appeals the district court's order dismissing his 42 U.S.C. § 1983 (2012) action without prejudice for failure to comply with the court's order granting him leave to proceed in forma pauperis and directing him to pay an initial partial filing fee. Because the district court dismissed Cuffee's action "for procedural reasons unrelated to the contents of the pleadings," we have jurisdiction over this appeal. *Goode v. Cent. Va. Legal Aid Soc'y, Inc.*, 807 F.3d 619, 624 (4th Cir. 2015).

A plaintiff's failure to comply with a court order may warrant involuntary dismissal. Fed. R. Civ. P. 41(b). We review such a dismissal for abuse of discretion. *Ballard v. Carlson*, 882 F.2d 93, 95-96 (4th Cir. 1989) (noting that dismissal is the appropriate sanction where litigant disregarded court order despite warning that failure to comply with order would result in dismissal). Our review of the record reveals no abuse of discretion in the court's decision to dismiss Cuffee's action after he failed to comply with the court's order.*

Accordingly, we affirm the district court's order. We deny Cuffee's motion to appoint counsel and grant Cuffee's motion to supplement the record. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

* Because the court dismissed without prejudice, Cuffee is able to refile his action, therefore no prejudice has resulted.