

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-6306**

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MARK ROBINSON,

Plaintiff - Appellant,

versus

K. BASSETT; TAZEWELL CORRECTIONAL UNIT #31,  
Authorities; MAJOR PICKERAL; MS. DOWDY,

Defendants - Appellees.

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Appeal from the United States District Court for the Western  
District of Virginia, at Roanoke. Samuel G. Wilson, Chief District  
Judge. (CA-01-804-7)

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Submitted: May 16, 2002

Decided: May 23, 2002

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Before NIEMEYER, MICHAEL, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Mark Robinson, Appellant Pro Se. Susan Foster Barr, OFFICE OF THE  
ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Mark Robinson appeals the district court's order dismissing without prejudice his civil rights action filed under 42 U.S.C.A. § 1983 (West Supp. 2001), for failure to state a claim upon which relief may be granted. Because the dismissal was without prejudice, Robinson may refile his complaint alleging sufficient facts to state a claim for § 1983 relief. Accordingly, we dismiss the appeal for lack of jurisdiction because the order is not a final, appealable order. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). 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