

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-6103

GEORGE TRAVIS SMITH,

Plaintiff - Appellant,

versus

SHERIFF SIMPSON; LOUDON COUNTY ADULT DETENTION
CENTER,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Norfolk. Rebecca Beach Smith, District
Judge. (CA-04-625)

Submitted: July 27, 2005

Decided: August 2, 2005

Before KING, GREGORY, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

George Travis Smith, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

George Travis Smith appeals the district court's order dismissing without prejudice his 42 U.S.C. § 1983 (2000) action for failure to either pay the filing fee or return the consent form permitting withdrawal from his prison account. Because Smith may refile his suit and either pay the required fee or consent to withdrawal in installments, the dismissal order is interlocutory and not appealable. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). Accordingly, we dismiss the appeal for lack of jurisdiction. 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