

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 95-7617

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SHIRLEY WARDELL BAILEY,

Plaintiff - Appellant,

versus

JACK DEWAN; DEPARTMENT OF CORRECTIONS,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Robert G. Doumar, District Judge. (CA-95-585-CV-2)

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Submitted: December 14, 1995

Decided: January 18, 1996

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Before ERVIN, Chief Judge, and WIDENER and WILKINS, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Shirley Wardell Bailey, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals the district court's order dismissing his 42 U.S.C. § 1983 (1988) complaint. The district court assessed a filing fee in accordance with Evans v. Croom, 650 F.2d 521 (4th Cir. 1981), cert. denied, 454 U.S. 1153 (1982), and dismissed the case without prejudice when Appellant failed to comply with the fee order. 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