

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 95-7838**

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YUSUF ABDUL AL-WAHHAB, a/k/a Joseph Ernest  
Washington,

Plaintiff - Appellant,

versus

COMMONWEALTH OF VIRGINIA; DEPARTMENT OF COR-  
RECTIONS, Director; BRUNSWICK CORRECTIONAL  
CENTER, Warden; SAMUEL L. BATTIS, Assistant  
Warden, Operations; H.D. GAULDIN, Major;  
SERGEANT WALKER, Property Control Officer;  
UNKNOWN AND UNNAMED PERSONS,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern Dis-  
trict of Virginia, at Richmond. James R. Spencer, District Judge.  
(CA-95-477)

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Submitted: February 7, 1996

Decided: February 28, 1996

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Before MURNAGHAN and WILLIAMS, Circuit Judges, and PHILLIPS, Senior  
Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Yusuf Abdul Al-Wahhab, 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Unpublished opinions are not binding precedent in this circuit.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 magistrate judge\* below 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 recommended dismissing the case without prejudice when Appellant failed to comply with the fee order. The district court adopted the recommendation after reviewing the record de novo when Appellant filed objections to the recommendation. 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

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\* The magistrate judge was acting pursuant to 28 U.S.C. § 636(b) (1988).