

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-6239**

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STEPHEN D. PAYNE, a/k/a John Adams,

Plaintiff - Appellant,

versus

COMMONWEALTH OF VIRGINIA, Department of Cor-  
rections; K. V. MCWATERS, Head Nurse, Indian  
Creek Correctional Center; J. GARMAN, Assis-  
tant Warden, Indian Creek Correctional Center;  
DOCTOR IBBARA, Head Doctor, Indian Creek Cor-  
rectional Center; J. GLOWACKI, L.P.N., Indian  
Creek Correctional Center,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern Dis-  
trict of Virginia, at Norfolk. Rebecca B. Smith, District Judge.  
(CA-96-862-2)

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Submitted: June 12, 1997

Decided: June 17, 1997

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

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Dismissed by unpublished per curiam opinion.

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Stephen D. Payne, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Stephen Payne appeals from a district court order dismissing his 42 U.S.C. § 1983 (1994) complaint based on Payne's failure to comply with a prior order of the court directing him to submit copies of his complaint and proof that he had exhausted administrative remedies. Because Payne may proceed with this action by amending his complaint to provide this information, his appeal is interlocutory and not subject to appellate review under Domino Sugar Corp. v. Sugar Workers Local 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). Accordingly, we 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