

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-6842

THEODORE LEONARD SZAFRANSKI,

Plaintiff - Appellant,

versus

L. K. KELLY, Warden, Greenville Correctional
Center; A. M. PARKER, JR., Superintendent,
Greenville Correctional Center; R. LANN, In-
vestigator, Greenville Correctional Center;
F. SPENCE, Administrator, Greenville Correc-
tional Center,

Defendants - Appellees.

Appeal from the United States District Court for the Western
District of Virginia, at Roanoke. James C. Turk, District Judge.
(CA-98-273-R)

Submitted: January 29, 1999

Decided: March 16, 1999

Before ERVIN and MICHAEL, Circuit Judges, and PHILLIPS, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Theodore Leonard Szafranski, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Theodore Leonard Szafranski appeals from the district court's order dismissing his 42 U.S.C.A. § 1983 (West Supp. 1998) complaint without prejudice* and the district court's order denying relief on his motion filed pursuant to Fed. R. Civ. P. 60(b). We have reviewed the record and the district court's opinion and order and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See Szafranski v. Kelly, No. CA-98-273-R (W.D. Va. Apr. 24, 1998; June 1, 1998). 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.

AFFIRMED

* Generally, dismissals without prejudice are not appealable. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066 (4th Cir. 1993). However, since amendment to Appellant's complaint could not cure the "defects" the district court found in his case, the district court's dismissal is a final, appealable order. Id. at 1066-67.