

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-6281

WILLIE MARSHALL FOLKS, JR.,

Plaintiff - Appellant,

versus

JEFFREY BOURKS RICE, Attorney at Law,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Rebecca B. Smith, District Judge. (CA-98-1213-2)

Submitted: June 17, 1999

Decided: June 23, 1999

Before MURNAGHAN and TRAXLER, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Willie Marshall Folks, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Willie Marshall Folks, Jr., appeals the district court's order dismissing his attorney malpractice claim filed under the court's diversity jurisdiction, see 28 U.S.C.A. § 1332 (West 1993 & Supp. 1999), for failure to pay the initial partial filing fee. The district court assessed a filing fee in accordance with 28 U.S.C.A. § 1915(b)(1)(A) (West Supp. 1999), and dismissed the case without prejudice when Folks failed to comply with the fee order. Finding no abuse of discretion, we affirm the district court's order.* 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

* We note that the statute of limitations continues to run on the malpractice claim.