

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 21-6009**

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DEWAYNE BAKER,

Plaintiff - Appellant,

v.

IVAN T. GILMORE, Warden; A. HICKS, Assistant Warden; K. H. TUCKER, Institutional Ombudsman; MARTIN T. BRYANT, Major; S. L. STULL, Correctional Officer; S. P. NEARY, Correctional Officer; J. A. ALAS-HENRIQUEZ, Correctional Officer; E. EMBREY, Correctional Officer; BARBARA JENKINS, Correctional Officer; JOSUE HUERTAS, Correctional Officer; H. JERNIGAN, Correctional Officer; WASHINGTON, Correctional Officer; A. KENNEY, Correctional Officer; K. STIDHAM, Correctional Officer; M. L. OLIVA, Correctional Officer; E. D. SALES, Institutional Property Officer; N. JOHNSON, Correctional Officer; T. L. POLLARD; GHASHEMPOUR, Special Housing Unit-Officer days; RALLS, Correctional Officer; MITCHELL, Correctional Officer (C. Mitchell's husband); HYLTON, Correctional Officer; SHIFLETT, Transportation Officer; ROBERTSON, Transportation Officer; JANE DOE; R. GALLAGER, Lieutenant; B. BARBARA, Lieutenant; H. C. NIBBLINS, Lieutenant; M. S. MILLER, Lieutenant; S. W. ROGERS, Lieutenant; E. M. MARTIN, Lieutenant; P. E. HARRIS, Lieutenant; E. J. MULLINS, Alternate Hearings Officer; M. W. BRICE; JANE DOE, Lieutenant; STETVEN A. JONES, Captain; B. J. SETTLE, Captain; P. E. HIBBS, Captain; C. A. WARD, Captain; DOUGLAS GOURDINE, Institutional Program Manager; A. B. LONG, Unit Manager; LAWRENCE JONES, Unit Manager; DENISE HILLIAN, Unit Manager; SOWELL, Counselor; KIM SOUTTER, Americans with Disabilities Act Coordinator; C. LAWSON, Operation PST; S. COOPER, Law Librarian; DALE MORENO, Medical Contractor Mediko employee; DR. GUJRAL, Medical Contractor Mediko employee; P. TATRO, Health Services Authority; C. MITCHELL, Clerical; A. M. COLE, Clerical; BENTLEY, LPN; JEFFERIES, LPN; WARREN, RN; WYLES, RN; D. CONGER, LPN; BALDWIN, LPN; BAILEY, LPN; JOHN DOE, Medical Contractor Mediko employee; JANE DOE, Medical Contractor Mediko employee; J. MOUBRAY, Accounting Employee; JULIA FABIAN, Special Housing Unit Counselor; GEORGE HINKLE, Regional

Operations Chief of the Central Region; T. L. CRICKENBERGER; SERGEANT R. A. LEWIS; SERGEANT DEAN WALLER; SERGEANT SACRA; J. L. MULLINS; SERGEANT BIRDSALL; SERGEANT T. J. BUTLER; SERGEANT GILLIES; SERGEANT T. H. WILLIAMSON; SERGEANT JOHN DOE; SERGEANT JANE DOE; LIEUTENANT JOHN DOE; DR. MAYER, Director of Nursing,

Defendants - Appellees,

and

COFFEEWOOD CORRECTIONAL CENTER; T. HARVEY, Regional Ombudsman Central Region; MARCUS M. HODGES, Regional Administrator Central Region; KAREN STAPLETON; ERMA LOCUST, Ombudsman Manager; GAIL R. JONES, Central Classification Services Reviewer; HAROLD CLARKE, Director; SERGEANT INSTITUTIONAL INVESTIGATOR,

Defendants.

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Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Thomas T. Cullen, District Judge. (7:18-cv-00382-TTC-RSB)

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Submitted: July 20, 2021

Decided: July 22, 2021

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Before WILKINSON, AGEE, and DIAZ, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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DeWayne Baker, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

DeWayne Baker appeals the district court's order dismissing his 42 U.S.C. § 1983 complaint without prejudice for failure to comply with the court's order directing him to file a second amended complaint. *See* Fed. R. Civ. P. 41(b). We review a district court's dismissal under Rule 41(b) for abuse of discretion. *Simpson v. Welch*, 900 F.2d 33, 35-36 (4th Cir. 1990). We have reviewed the record and find no abuse of discretion. *Baker v. Gilmore*, No. 7:18-cv-00382-TTC-RSB (W.D. Va. Nov. 30, 2020). Accordingly, we affirm. We deny Baker's motions to show cause for an injunction and a temporary restraining order and to appoint counsel. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*AFFIRMED*