

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-6981

ROBERT CHARLES GERKE,

Plaintiff - Appellant,

v.

DAVID CALL, Warden of Nottoway Correctional Center; K. SCHLOBOHM, Asst. Warden of Nottoway Correctional Center; J. BATSMAN, Major/Head of Security at Nottoway Correctional Center; S. GILBERTSON, Unit Manager of Building at Nottoway Correctional Center; SERGEANT R. SWANN, Building Sergeant of building on day of incident; OFFICER A. EARLY, Booth Officer of Upper O East on day of incident,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Henry E. Hudson, Senior District Judge. (3:19-cv-00147-HEH-RCY)

Submitted: October 3, 2019

Decided: October 23, 2019

Before FLOYD and QUATTLEBAUM, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Robert Charles Gerke, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Charles Gerke appeals the district court's order dismissing his 42 U.S.C. § 1983 (2012) action without prejudice for failure to comply with the court's order requiring him to pay a partial filing fee or state under penalty of perjury that he could not pay the fee. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *Gerke v. Call*, No. 3:19-cv-00147-HEH-RCY (E.D. Va. June 12, 2019). 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