

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1047

ROSARIO A. FIORANI, JR.,

Plaintiff - Appellant,

versus

ALBERT J. LOWRY, personally and as agent for;
IMPERIAL FINANCIAL SERVICES, INCORPORATED,
formerly known as ES, Limited Liability
Company; BRADLEY LOUIS BOOKE, Esquire; S.
DAVID B'SEDEK; SINA THOMPSON; SARA KLEINMAN;
GARRETT BALL; YAHOO! INCORPORATED, Legal
Department, Customer Service,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. Gerald Bruce Lee, District
Judge. (1:06-cv-01271-GBL)

Submitted: July 9, 2007

Decided: July 24, 2007

Before NIEMEYER, MOTZ, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Rosario A. Fiorani, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rosario A. Fiorani, Jr., appeals the district court's order dismissing without prejudice his civil complaint.* We have reviewed the record and find no reversible error. The district court properly concluded that Fiorani failed to allege federal question jurisdiction. See Linda R.S. v. Richard D., 410 U.S. 614, 619 (1973). Even if the district court erred with respect to its conclusion that it lacked diversity jurisdiction, dismissal was appropriate given that venue in the Eastern District of Virginia was improper. Accordingly, we affirm the district court's dismissal of the complaint. We grant Fiorani's motion to proceed on appeal in forma pauperis and 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 have jurisdiction to consider this appeal because the order of dismissal suggests that no amendment to the complaint could cure the defects in Fiorani's case. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993).