

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7667

LATIF RASHE'D,

Plaintiff - Appellant,

v.

GENE JOHNSON, Director, Virginia Department of Corrections;
FRED SCHILLING, Medical Director, Virginia Department of
Corrections; LAYTON LESTER, Warden, James River Correctional
Center; WILLIAM V. PURCELL, Physician, James River
Correctional Center; B. RAGLAND, Assistant Warden, James
River Correctional Center,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. Anthony John Trenga,
District Judge. (1:09-cv-00571-AJT-IDD)

Submitted: April 22, 2010

Decided: April 26, 2010

Before TRAXLER, Chief Judge, and KING and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Latif Rashe'd, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Latif Rashe'd appeals the district court's order dismissing his 42 U.S.C. § 1983 (2006) complaint without prejudice for failure to pay the filing fee or to apply to proceed in forma pauperis. We have reviewed the record and find no reversible error. As the district court dismissed Rashe'd's complaint without prejudice, his remedy is to refile his complaint along with an application to proceed in forma pauperis or submit the required filing fee. Accordingly, we affirm for the reasons stated by the district court. Rashe'd v. Johnson, No. 1:09-cv-00571-AJT-IDD (E.D. Va. filed Aug. 3, 2009 & entered Aug. 5, 2009). 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