

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-2461

MOHAMMED MOE MOOSAVI,

Plaintiff - Appellant,

v.

FAIRFAX COUNTY CIRCUIT COURT; DEPARTMENT OF SOCIAL SERVICES; DEPARTMENT OF TAX ADMINISTRATION; JOHN RUSS, Mr. Commissioner; DEAN SADREDIN, Mr. Step-son in Minnesota; REYCON PROPERTIES,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Senior District Judge. (1:16-cv-00730-JCC-IDD)

Submitted: June 13, 2017

Decided: June 23, 2017

Before NIEMEYER, KEENAN, and HARRIS, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

Mohammed Moe Moosavi, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mohammed Moe Moosavi appeals the district court's order dismissing his action with prejudice for failure to comply with a court order to particularize his claims. *See* Fed. R. Civ. P. 41(b). We conclude that the district court did not abuse its discretion in dismissing Moosavi's complaint, given that nothing in his filings suggests a viable federal claim. However, based on the possibility that Moosavi did not receive the district court's order to particularize, *see Link v. Wabash Railroad Co.*, 370 U.S. 626, 632 (1962), and our consideration of the factors in *Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989), we conclude that the dismissal should be without prejudice. We therefore deny Moosavi's motion to appoint counsel and affirm the district court's judgment as modified to reflect that the dismissal is without prejudice. 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 AS MODIFIED