

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6774

DEANDRE L' OVERTURE JACKSON,

Petitioner - Appellant,

v.

COMMONWEALTH OF VIRGINIA; HAROLD W. CLARKE,

Respondents - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Arenda L. Wright Allen, District Judge. (2:16-cv-00055-AWA-DEM)

Submitted: October 13, 2016

Decided: October 18, 2016

Before NIEMEYER, DUNCAN, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

DeAndre L'overture Jackson, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

DeAndre L'overture Jackson appeals the district court's order dismissing without prejudice his 28 U.S.C. § 2254 (2012) petition for failing to comply with a prior order directing him to pay a required filing fee or to explain why he is unable to do so.* The order is not appealable unless a circuit justice or judge issues a certificate of appealability. See 28 U.S.C. § 2253(c)(1)(A) (2012). We have independently reviewed the record and conclude that Jackson has not made the requisite showing. See 28 U.S.C. § 2253(c)(2) (2012). Accordingly, we deny leave to proceed in forma pauperis, deny a certificate of appealability, and dismiss the appeal. 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.

DISMISSED

* We conclude that the district court's order is final and appealable because the defect identified by the district court must be cured by something more than an amendment to the allegations in the § 2254 petition. Goode v. Cent. Va. Legal Aid Soc'y, Inc., 807 F.3d 619, 623-24 (4th Cir. 2015).