

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6886

DAVID MEYERS,

Petitioner - Appellant,

v.

EDWARD WRIGHT, Warden; G.E.O. INC; VIRGINIA DEPARTMENT OF
CORRECTIONS,

Respondents - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Richmond. Robert E. Payne, Senior
District Judge. (3:16-cv-00005-REP-RCY)

Submitted: October 25, 2016

Decided: November 21, 2016

Before GREGORY, Chief Judge, and KEENAN and FLOYD, Circuit
Judges.

Affirmed by unpublished per curiam opinion.

David Meyers, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Meyers appeals the district court's order dismissing his 28 U.S.C. § 2254 (2012) petition without prejudice for failing to comply with a court order. We affirm.

A district court may dismiss an action based on a plaintiff's failure to comply with any order. Fed. R. Civ. P. 41(b). Where a litigant has ignored an express warning that noncompliance with a court order will result in dismissal, the district court should dismiss the case. See Ballard v. Carlson, 882 F.2d 93, 95-96 (4th Cir. 1989). We review a decision to dismiss for failure to comply with a court order for abuse of discretion. Id.

We have reviewed the record and find no abuse of discretion. Accordingly, we grant Meyers leave to proceed in forma pauperis and affirm the district court's order. 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