

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 17-6633**

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DENOVER POSTELL,

Plaintiff - Appellant,

v.

JOHN DOE,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. John A. Gibney, Jr., District Judge. (3:17-cv-00106-JAG-DJN)

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Submitted: September 28, 2017

Decided: October 3, 2017

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Before WILKINSON, MOTZ, and KING, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Denver Postell, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

## PER CURIAM:

Denover Postell appeals the district court's order dismissing his civil rights complaint without prejudice for failing to comply with the court's prior order directing Postell either to pay the initial partial filing fee or submit a sworn statement attesting to the unavailability of funds to make that payment. A plaintiff's failure to comply with a court order may warrant involuntary dismissal. Fed. R. Civ. P. 41(b). We review such a dismissal for abuse of discretion. *Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978) (providing standard of review); see *Ballard v. Carlson*, 882 F.2d 93, 95-96 (4th Cir. 1989) (noting that dismissal is the appropriate sanction where litigant disregarded court order despite warning that failure to comply with order would result in dismissal).

Our review of the record reveals no evidence to establish that Postell filed a timely response to the court's April 7, 2017, order, which specifically informed Postell that failure to comply could result in dismissal. We thus discern no abuse of discretion in the court's decision to dismiss Postell's complaint after he failed to comply with either aspect of the court's order. Accordingly, we affirm the district court's order for the reasons stated by the district court. See *Postell v. Doe*, No. 3:17-cv-00106-JAG-DJN (E.D. Va. May 1, 2017). 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*