

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-7457

AARON JOSEPH CULLISON,

Plaintiff - Appellant,

v.

MR. JOHNSON, Mental Health Psychiatrist; MR. WIGGINS, Mental Health,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at
Richmond. David J. Novak, District Judge. (3:20-cv-00578-DJN)

Submitted: November 19, 2020

Decided: November 24, 2020

Before WILKINSON, KING, and QUATTLEBAUM, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Aaron Joseph Cullison, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Aaron Joseph Cullison, a Virginia inmate, appeals the district court's order dismissing without prejudice his 42 U.S.C. § 1983 action for failure either to pay the partial filing fee or to attest that he could not pay. A dismissal without prejudice is generally not appealable "unless the grounds for dismissal clearly indicate that no amendment in the complaint could cure the defects in the plaintiff's case." *Domino Sugar Corp. v. Sugar Workers Local Union 392*, 10 F.3d 1064, 1067 (4th Cir. 1993) (brackets and internal quotation marks omitted); see *Bing v. Brivo Systems, LLC*, 959 F.3d 605, 610 (4th Cir. 2020). The district court's grounds for dismissal clearly indicated that no amendment to the complaint could cure the defects in Cullison's case because the defect was procedural. Review of the district court's docket reveals that, a few weeks after the district court entered the dismissal order, Cullison filed a response attesting he could not pay the partial filing fee. The district court directed the clerk to reopen the action and granted Cullison's request to proceed in forma pauperis. Cullison's action is now proceeding in the district court. Thus, the district court already has accorded Cullison the only relief he could obtain by way of this appeal. Accordingly, we dismiss this appeal as moot. 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