UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7622

ALLEN RAY JOHNSON,

Petitioner - Appellant,

versus

JOSEPH M. BROOKS,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Rebecca Beach Smith, District Judge. (CA-04-91-2)

Submitted: December 16, 2004 Decided: December 28, 2004

Before MICHAEL, KING, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Allen Ray Johnson, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Allen Ray Johnson appeals the district court's order dismissing without prejudice his complaint filed pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971).[*] We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See Johnson v. Brooks, No. CA-04-91-2 (E.D. Va. Sept. 10, 2004). 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

[*]Although a dismissal without prejudice generally is not appealable, we have jurisdiction in this case because "the grounds of the dismissal make clear that no amendment could cure the defects in the plaintiff's case." Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066 (4th Cir. 1993) (internal quotation marks and citation omitted).