

UNPUBLISHED**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 17-7270

JUAN CARLOS FLORES,

Petitioner - Appellant,

v.

EARL R. BARKSDALE,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T. S. Ellis, III, Senior District Judge. (1:17-cv-00725-TSE-IDD)

Submitted: February 22, 2018

Decided: February 26, 2018

Before TRAXLER and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Juan Carlos Flores, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Juan Carlos Flores seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2012) petition and dismissing without prejudice for failure to comply with a prior order directing him to pay a required filing fee or file an in forma pauperis application.* The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(A) (2012). We have independently reviewed the record and conclude that Flores has not made the requisite showing. Accordingly, we deny a certificate of appealability, deny leave to proceed in forma pauperis, 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).