

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-6312**

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NAEEM SHAKIR SALIM,

Plaintiff - Appellant,

versus

R. SHERRILL, Chaplain; VIRGINIA BEACH CORREC-  
TIONAL CENTER; THE CITY OF VIRGINIA BEACH,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern Dis-  
trict of Virginia, at Norfolk. Rebecca B. Smith, District Judge.  
(CA-01-71-2)

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Submitted: June 21, 2001

Decided: June 29, 2001

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Before WIDENER and GREGORY, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Naeem Shakir Salim, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Naeem Salim seeks to appeal the district court's order dismissing his 42 U.S.C.A. § 1983 (West 2000) action without prejudice for failure to exhaust administrative remedies. The court noted that Salim stated in his complaint that he had not appealed the denial of his grievance. See 42 U.S.C.A. § 1997e(a) (West Supp. 2000). In his notice of appeal to this court, Salim indicated that he was "refiling" his § 1983 action with "proof positive" that his administrative remedies had been exhausted, and he attached several copies of grievance forms. Further, Salim alleges that there is no appeal process available through the correctional center's grievance procedure. If Salim wishes to proceed with his action, however, the proper course of action is for him to refile his action in the district court with evidence that he has exhausted all available administrative remedies. Accordingly, we affirm the district court's order dismissing Salim's § 1983 action. 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