

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 01-7882**

---

PAUL NAGY,

Plaintiff - Appellant,

versus

OFFICER RUFFIN; NANCY OBERMAN; A. EVANS;  
STEPHEN M. DEWALT,

Defendants -Appellees.

---

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, Chief District Judge. (CA-00-782-5-BO)

---

Submitted: January 31, 2002

Decided: February 11, 2002

---

Before NIEMEYER, WILLIAMS, and MICHAEL, Circuit Judges.

---

Affirmed as modified by unpublished per curiam opinion.

---

Paul Nagy, Appellant Pro Se. Rudolf A. Renfer, Jr., Assistant United States Attorney, Raleigh, North Carolina, for Appellees.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Paul Nagy appeals the district court's order denying relief on 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 the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. Nagy v. Ruffin, No. CA-00-782-5-BO (E.D.N.C. Oct. 11, 2001). Because Nagy may refile his action after exhaustion, we modify the dismissal to be without prejudice. 28 U.S.C. § 2106 (1994). 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 AS MODIFIED