

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-8017

KEITH BARILE,

Plaintiff - Appellant,

versus

S. K. YOUNG; JON MASELLA, on site monitor,
Wallens Ridge State Prison; H. JORDAN, R.D.A.,
Wallens Ridge State Prison,

Defendants - Appellees,

and

RONALD J. ANGELONE, Director, Virginia Depart-
ment of Corrections; JACK TOKARZ, Deputy Com-
mander, Department of Corrections,

Defendants.

Appeal from the United States District Court for the Western Dis-
trict of Virginia, at Roanoke. Jackson L. Kiser, Senior District
Judge. (CA-00-706)

Submitted: February 14, 2002

Decided: February 27, 2002

Before WIDENER, LUTTIG, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Keith Barile, Appellant Pro Se. Banci Enga Tewelde, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia; David Ernest Boelzner, Heather Marie Kofron, WRIGHT, ROBINSON, OSTHIMER & TATUM, Richmond, Virginia; Joseph Patrick Callahan, RAWLS & MCNELIS, P.C., Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Keith Barile appeals the district court's order dismissing his 42 U.S.C.A. § 1983 (West Supp. 2001) complaint without prejudice for failure to exhaust administrative remedies. The district court properly required exhaustion of administrative remedies under 42 U.S.C.A. § 1997e(a) (West Supp. 2001). Because Appellant did not demonstrate to the district court that he had exhausted administrative remedies or that such remedies were not available, the court's dismissal of the action, without prejudice, was not an abuse of discretion. We therefore affirm the district court's order. 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