

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6188

LARRY D. SMITH,

Plaintiff - Appellant,

versus

DOCTOR ABASSI, Doctor of Riverside Jail;
DARNLEY R. HODGES, SR., Superintendent
Riverside,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Norfolk. Raymond A. Jackson, District
Judge. (CA-01-411-2)

Submitted: April 25, 2002

Decided: May 6, 2002

Before WILLIAMS and KING, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Larry D. Smith, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Larry D. Smith 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. 2000). Because Smith 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. Smith v. Abassi, No. CA-01-411-2 (E.D. Va. filed Jan. 18, 2002 & entered Jan. 22, 2002). 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