

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7651

JENNIFER LYNN PALAZZI, a/k/a Stanley Palazzi,

Plaintiff - Appellant,

versus

DAVID B. EVERETT, Warden; ROBISON, Psychologist;
GENE JOHNSON, Director, VDOC,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Walter D. Kelley, Jr., District Judge. (CA-04-558-2)

Submitted: February 24, 2005

Decided: March 7, 2005

Before NIEMEYER, WILLIAMS, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Jennifer Lynn Palazzi, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Jennifer Lynn Palazzi appeals the district court's order dismissing her 42 U.S.C. § 1983 (2000) complaint without prejudice for failure to exhaust administrative remedies. The district court properly required exhaustion of administrative remedies under 42 U.S.C. § 1997e(a) (2000). Because Palazzi did not demonstrate to the district court that she 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. Accordingly, we 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