

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7821

LARRY LAMONT BUSH,

Plaintiff - Appellant,

versus

BROADWATER, Officer; SERGEANT COLEMAN;
MICHAELS, Lieutenant; SHOCKEY, Case Manager,
Mr.; MILLER, Correctional Officer,

Defendants - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. Andre M. Davis, District Judge. (CA-05-
206-AMD)

Submitted: April 28, 2006

Decided: May 11, 2006

Before WILKINSON, WILLIAMS, and MICHAEL, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

Larry Lamont Bush, Appellant Pro Se. Glenn William Bell, OFFICE OF
THE ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Larry Lamont Bush appeals the district court's order dismissing his 42 U.S.C. § 1983 (2000) complaint for failure to exhaust administrative remedies and denying his motion for reconsideration. The district court properly required exhaustion of administrative remedies under 42 U.S.C. § 1997e(a) (2000). Because Bush 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 was not an abuse of discretion. Accordingly, we affirm the district court's order, which is modified to reflect that the dismissal was without prejudice to Bush's right to refile once he has exhausted his administrative remedies. 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