

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-8040**

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LINWOOD S. HASKINS,

Plaintiff - Appellant,

versus

DARNLEY R. HODGES, SR., Superintendent  
Riverside Regional Jail,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Norfolk. Henry Coke Morgan, Jr., Senior  
District Judge. (2:06-cv-00385-HCM)

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Submitted: March 21, 2007

Decided: April 6, 2007

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Before WILKINSON and TRAXLER, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Affirmed as modified by unpublished per curiam opinion.

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Linwood S. Haskins, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Linwood S. Haskins appeals the district court's order dismissing his complaint pursuant to 42 U.S.C. § 1983 (2000) on the ground Haskins failed to establish he exhausted his administrative remedies as required by the Prison Litigation Reform Act, 42 U.S.C. § 1997(e) (a) (2000) ("PLRA"). After the district court dismissed Haskins' complaint, the Supreme Court rendered its decision in Jones v. Bock, 127 S. Ct. 910 (2007), and held that "failure to exhaust is an affirmative defense under the PLRA" and "inmates are not required to specially plead or demonstrate exhaustion in their complaints." Id. at 921. Although the district court erred under Jones in dismissing Haskins' complaint for his failure to establish exhaustion, we affirm the district court's order on the modified grounds that Haskins failed to state a claim upon which relief can be granted and that his complaint is frivolous pursuant to 28 U.S.C. § 1915(e) (2) (2000). We also modify the district court's order to reflect that the dismissal is with prejudice. We deny Haskins' motions for release from confinement, to add an additional party, and for appointment of counsel. 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