

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6743

MARQUEION HARRISON,

Plaintiff - Appellant,

v.

STATE OF NORTH CAROLINA, Individually, and in his and her official capacity; DEPARTMENT OF CORRECTION, Division of Prisons, Individually, and in his and her official capacity; BOYD BENNETT, Director of the State of North Carolina, Individually, and in his and her official capacity; KEITH WHITENER, Superintendent of Alexander Correctional Institution, Individually, and in his and her official capacity; FNU GRIBBLE, Correctional Officer of the North Carolina Department of Corrections, Individually, and in his and her official capacity,

Defendants - Appellees.

Appeal from the United States District Court for the Western District of North Carolina, at Statesville. Graham C. Mullen, Senior District Judge. (5:10-cv-00044-GCM)

Submitted: June 24, 2010

Decided: July 1, 2010

Before DUNCAN, AGEE, and DAVIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Marqueion Harrison, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Marqueion Harrison appeals the district court's order dismissing without prejudice his 42 U.S.C. § 1983 (2006) complaint for failure exhaust administrative remedies.* We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Harrison v. North Carolina, No. 5:10-cv-00044-GCM (W.D.N.C. Apr. 23, 2010). We deny Harrison's motion to appoint counsel and 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

* Because the record clearly establishes that exhaustion did not occur, the order is final. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (1993).