

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 13-2408**

---

JEROME J. BROWN,

Plaintiff - Appellant,

v.

DISTRICT OF COLUMBIA; VINCENT C. GRAY, Mayor,

Defendants - Appellees.

---

Appeal from the United States District Court for the Eastern  
District of Virginia, at Alexandria. Leonie M. Brinkema,  
District Judge. (1:13-cv-01365-LMB-TRJ)

---

Submitted: March 6, 2014

Decided: March 28, 2014

---

Before NIEMEYER, SHEDD, and AGEE, Circuit Judges.

---

Affirmed as modified by unpublished per curiam opinion.

---

Jerome Julius Brown, Sr., Appellant Pro Se.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jerome J. Brown appeals the district court's order dismissing his civil complaint with prejudice for lack of subject matter jurisdiction, improper venue, and failure to state a claim upon which relief can be granted. We have reviewed the record and agree that the district court lacked subject matter jurisdiction. However, the district court should have dismissed the complaint without prejudice. See S. Walk at Broadlands Homeowner's Ass'n, Inc. v. OpenBand at Broadlands, LLC, 713 F.3d 175, 185 & n.4 (4th Cir. 2013). We therefore modify the district court's dismissal order to reflect that the dismissal is without prejudice, and we affirm the dismissal as modified. See 28 U.S.C. § 2106 (2012); MM ex rel. DM v. Sch. Dist. of Greenville Cnty., 303 F.3d 523, 536 (4th Cir. 2002). We grant Brown leave to proceed in forma pauperis. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED AS MODIFIED