

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 13-6063**

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LARRY R. TART,

Plaintiff - Appellant,

v.

JOYCE KORNEGAY; FORREST FESTERMAN; FINESSE COUCH; KAREN  
BROWN,

Defendants - Appellees,

and

JANITORIAL PRODUCTS PLANT,

Defendant.

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Appeal from the United States District Court for the Eastern  
District of North Carolina, at Raleigh. Terrence W. Boyle,  
District Judge. (5:11-ct-03236-BO)

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Submitted: April 25, 2013

Decided: April 30, 2013

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Before AGEE and WYNN, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Larry R. Tart, Appellant Pro Se. Peter Andrew Regulski,  
Assistant Attorney General, Raleigh, North Carolina, for  
Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Larry R. Tart 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. Tart v. Kornegay, No. 5:11-ct-03236-BO (E.D.N.C. Jan. 4, 2013). 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

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\* 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).