

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-6218

DAVID FELTON,

Plaintiff - Appellant,

versus

FRANKLIN FREEMAN; LYNN C. PHILLIPS; TERRY
WATTS; K. KING; RONALD E. JONES,
Superintendent,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern Dis-
trict of North Carolina, at Raleigh. James C. Fox, Chief District
Judge. (CA-96-1)

Submitted: May 16, 1996

Decided: June 5, 1996

Before RUSSELL, LUTTIG, and WILLIAMS, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

David Felton, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals from the district court's order denying relief on his 42 U.S.C. § 1983 (1988) complaint. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court but modify the dismissal to be without prejudice. 28 U.S.C. § 2106 (1988). Felton v. Freeman, No. CA-96-1 (E.D.N.C. Jan. 26, 1996). 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