

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-7324

STANLEY SHANE SMITH,

Plaintiff - Appellant,

versus

FRANKLIN FREEMAN, Secretary of Correction;
LYNN PHILLIPS, Director of Prisons; MARCUS
HUGHES, Unit Superintendent; WADE HATLEY,
Assistant Unit Superintendent; TERRY GETMAN,
Unit Sergeant; STEVE COOKE, Unit Mailroom
Officer,

Defendants - Appellees.

Appeal from the United States District Court for the Western Dis-
trict of North Carolina, at Asheville. Graham C. Mullen, District
Judge. (CA-96-63-1-MU)

Submitted: April 17, 1997

Decided: April 29, 1997

Before NIEMEYER and WILLIAMS, Circuit Judges, and BUTZNER, Senior
Circuit Judge.

Affirmed as modified by unpublished per curiam opinion.

Stanley Shane Smith, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant, a North Carolina inmate, appeals the district court's order denying relief on his 42 U.S.C. § 1983 (1994) complaint under 28 U.S.C. § 1915(d) (1994). We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm the dismissal on the reasoning of the district court. Smith v. Freeman, No. CA-96-63-1-MU (W.D.N.C. Aug. 6, 1996). We modify the order to reflect that the dismissal was without prejudice. 28 U.S.C. § 2106 (1994). 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