

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-7008**

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ANDREW DAVID OWENS,

Plaintiff - Appellant,

versus

JIM HUNT; FRANKLIN FREEMAN; MARY LOU ROGERS;  
MACK JARVIS; DANIEL L. STIENEKE; HATTIE PIM-  
PONG; PAMELA MARTIN; LIEUTENANT ROSS; NURSE  
CURRIE; NURSE KINLAW; ROOSEVELT STRICKLAND;  
JAMES BROWN; JACK HOLTZMAN,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern Dis-  
trict of North Carolina, at Raleigh. Terrence W. Boyle, Chief Dis-  
trict Judge. (CA-98-40-5-CT-B0)

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Submitted: October 20, 1998

Decided: November 10, 1998

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Before WILKINS, HAMILTON, and LUTTIG, Circuit Judges.

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Affirmed as modified by unpublished per curiam opinion.

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Andrew David Owens, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Andrew D. Owens appeals from the district court's order dismissing his 42 U.S.C.A. § 1983 (West Supp. 1998) complaint as frivolous because Owens failed to present his claims in a short and plain manner as is required by Fed. R. Civ. P. 8. He also appeals the district court's orders denying two motions for reconsideration. We have reviewed the record and the district court's opinion and orders and find no reversible error. We note, however, that the district court did not afford Owens the opportunity to amend his complaint prior to dismissal. We therefore affirm the district court's dismissal, with the modification that it be without prejudice to Owens' ability to refile his complaint in compliance with Rule 8. See 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