

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-1291

MOHAMMED MOOSAVI,

Plaintiff - Appellant,

versus

RALPH B. EVANS,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (CA-98-1779-A)

Submitted: April 30, 1999

Decided: May 21, 1999

Before WIDENER and LUTTIG, Circuit Judges, and HALL, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Mohammed Moosavi, Appellant Pro Se. Alan David Eisler, PALEY, ROTHMAN, GOLDSTEIN, ROSENBERG & COOPER, Bethesda, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Mohammed Moosavi appeals the district court's order dismissing his complaint for lack of jurisdiction. 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. See Moosavi v. Evans, No. 98-1779-A (E.D. Va. Feb. 10, 1999).^{*} However, because the court lacked jurisdiction over the subject matter of the action, the dismissal should have been without prejudice, see Fed. R. Civ. P. 41(b), and we modify the judgment insofar as it purports to dismiss the action with prejudice. 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

^{*} Although the district court's judgment or order is marked as "filed" on February 9, 1999, the district court's records show that it was entered on the docket sheet on February 10, 1999. Pursuant to Rules 58 and 79(a) of the Federal Rules of Civil Procedure, it is the date that the judgment or order was entered on the docket sheet that we take as the effective date of the district court's decision. See Wilson v. Murray, 806 F.2d 1232, 1234-35 (4th Cir. 1986).