

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-6235**

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THOMAS JACK TRUETT,

Plaintiff - Appellant,

versus

DR. SHAW; A. YIRGA; J. ALLEN, Clinical Direc-  
tor; J. FAJARDO; EMILY ADAMS; A. ZAYAS,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Norfolk. Henry C. Morgan, Jr., District  
Judge. (CA-00-953-2)

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Submitted: June 26, 2001

Decided: August 21, 2001

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Before LUTTIG, TRAXLER, and KING, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Thomas Jack Truett, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Thomas Jack Truett appeals the district court's order denying relief on his Bivens complaint.\* We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, although we grant leave to proceed in forma pauperis, we affirm substantially on the reasoning of the district court. See Truett v. Shaw, No. CA-00-953-2 (E.D. Va. Jan. 22, 2001). 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

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\* The district court referred to Truett as a "Virginia inmate" but the record discloses that he is housed at the Federal Correctional Institution (FCI) at Petersburg, Virginia, and his action is against FCI officers. His action is therefore properly characterized as a Bivens action rather than a § 1983 action. The characterization of Truett's petition does not affect our analysis because courts have applied § 1997e(a) in the same manner to both § 1983 actions and Bivens actions. See Booth v. Churner, 206 F.3d 289, 291 (3d Cir. 2000), aff'd, No. 99-1964, 2001 WL 567712 (U.S. May 29, 2001).