

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6877

JAMES CALVIN ADDISON,

Plaintiff - Appellant,

versus

RIDGELAND CORRECTIONAL INSTITUTION; SOUTH CAROLINA DEPARTMENT OF CORRECTIONS; CAPTAIN EICHELBERGER; CAPTAIN SALWIERZ; CHRISTOPHER FELDER, Major; BRUCE RIVERS, Associate Warden; MR. REX DERNE, School Principal; MS. SHANNON CREWS, Administrative Assistant; LIEUTENANT MCNEIL; CORPORAL HAYWARD, Security; TIMOTHY LILLY; OFFICE CLERK; ARTHUR LITHY, Law Library Clerk,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Henry M. Herlong, Jr., District Judge. (CA-04-550-2-20AJ)

Submitted: November 4, 2004

Decided: November 9, 2004

Before WILKINSON, MOTZ, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James Calvin Addison, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

James Calvin Addison seeks to appeal the district court's order accepting the recommendation of the magistrate judge and dismissing his 42 U.S.C. § 1983 (2000) complaint without prejudice for failure to exhaust administrative remedies. The district court properly required exhaustion of administrative remedies under 42 U.S.C. § 1997e(a) (2000). Because Addison did not demonstrate to the district court that he had exhausted administrative remedies or that such remedies were not available, the court's dismissal of the action, without prejudice, was not an abuse of discretion. Accordingly, we affirm the district court's order. 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