

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-6771

ROBERT FROST, JR.,

Plaintiff - Appellant,

versus

GEORGE T. HAGAN, Warden,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Anderson. Joseph F. Anderson, Jr., Chief District Judge. (CA-05-723-8)

Submitted: September 29, 2005

Decided: October 7, 2005

Before WILKINSON, KING, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Robert Frost, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Robert Frost, Jr., seeks to appeal the district court's order 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 Frost 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 for the reasons stated by the district court. See Frost v. Hagan, No. CA-05-723-8 (D.S.C. Apr. 28, 2005). 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