

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-7143

JOHNNY MULL,

Plaintiff - Appellant,

versus

MR. HENSPATH, Unit Manager; MR. JONES, Captain; MR. DANIELS, Captain; MR. GATLING, Sergeant; MR. BATTLE; SERGEANT DRAOUGHN; NURSE TAYLOR; DOCTOR SWANTON; OFFICER WILLIAM; JOHN DOE; OFFICER TOMADAKIS; LIEUTENANT TUCK; NURSE SHIELD; NURSE ALLEN; NURSE MCALISTER; NURSE CARMON; NURSE RICHARDSON; OFFICER RICHARDSON; SUPERINTENDENT BUMGARNER; OFFICER GILBERT; OFFICER ARWOOD; DOCTOR SOBEL; NURSE ELEY; SERGEANT HUNTER; SERGEANT JUSTICE; SERGEANT WOOD; M. J. HOWARD; MR. JONES, Unit Manager; SERGEANT STOKLEY; CAPTAIN MURPHY; SERGEANT HOWARD; JERRY SAUNDERS, Notary; SERGEANT RILEY; OFFICER SMALL; OFFICER BECKNELL; KEITH E. WERNER, District Attorney; MR. DORSEY, Unit Manager; CAPTAIN JOHNSON; OFFICER MAY; OFFICER CREEF; MR. BARNES, Acting Superintendent; NURSE SATZ; NURSE RAPER; DENTIST CIANWILLI; OFFICER TYNCH; DR. ANDERSON; NURSE BUCHANAN; OFFICER RUSSELL; OFFICER STEWART; SERGEANT WHITAKER; DOCTOR BASSETT; OFFICER WYNN; MR. CASTELOW, Unit Manager; MS. BRYANT; OFFICER CLARK; JANE DOE; MR. CARTER, Unit Manager,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, District Judge. (CA-99-373-5-HO)

Submitted: January 11, 2000

Decided: February 8, 2000

Before MURNAGHAN and TRAXLER, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed as modified by unpublished per curiam opinion.

Johnny Mull, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Johnny Mull appeals the district court's order denying relief on his 42 U.S.C.A. § 1983 (West Supp. 1999) complaint. We have reviewed the record and the district court's opinion. See Mull v. Henspath, No. CA-99-373-5-HO (E.D.N.C. Aug. 10, 1999). We affirm the order on the reasoning of the district court but modify it to provide that the dismissal of Mull's complaint is without prejudice. In addition, we deny Mull's motions for appointment of counsel. 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