

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-2000

DONALD HERRINGTON; LAURA M. JOHNSON; JULIE TREMBLAY;
STEPHANIE BLANCHARD; STEPHEN KASSEY; HEATHER GREENHOW;
SUSAN HERRINGTON,

Plaintiffs - Appellants,

v.

ELIZABETH A. MCCLANAHAN, Acting in her official capacity as Supreme Court of Va. Judge; KARL R. HADE, Acting in his individual and official capacity as Executive Secretary of the Supreme Court of VA.; BARBARA DECATUR, Acting in her individual and official capacity as Stafford Circuit Clerks; KATHY STERN, Acting in her individual and official capacity as Stafford Circuit Clerks; UNNAMED/UNKNOWN CLERKS, Acting in their individual and official capacity as Stafford Circuit Clerks; CHARLES SHARP, Acting in his official capacity as Stafford Circuit Court Judge; TARA MOONEY, Acting in her official capacity as a Stafford Prosecutor; ERIC OLSEN, Acting in his official capacity as Head Commonwealth Attorney for the Stafford County,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Anthony John Trenga, Senior District Judge. (1:20-cv-00197-AJT-TCB)

Submitted: September 30, 2021

Decided: October 13, 2021

Before KING, WYNN, and RICHARDSON, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

Donald Herrington, Laura M. Johnson, Julie Tremblay, Stephanie Blanchard, Stephen Kassey, Heather Greenhow, and Susan Herrington, Appellants Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Donald Herrington, Laura M. Johnson, Julie Tremblay, Stephanie Blanchard, Stephen Kassey, Heather Greenhow, and Susan Herrington appeal the district court's order dismissing with prejudice their 42 U.S.C. § 1983 complaint for failure to state a claim upon which relief can be granted. *See* 28 U.S.C. § 1915A(b)(1). We have reviewed the record and discern no reversible error.

Accordingly, we affirm for the reasons stated by the district court, *Herrington v. McClanahan*, No. 1:20-cv-00197-AJT-TCB (E.D. Va. Aug. 19, 2020), but modify the court's order to reflect that the dismissal is without prejudice, *see King v. Rubenstein*, 825 F.3d 206, 225 (4th Cir. 2016) (“[T]he district court neither gave [the plaintiff] the opportunity to amend nor did it engage in any discussion as to why amendment would be futile. In such a situation, the dismissal should generally be without prejudice.”).

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED AS MODIFIED