

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-6349

NOREL STERLING WARD,

Plaintiff - Appellant,

v.

WARDEN JEFF KISER, Red Onion State Prison; SGT. MASSINGILL; MR.
BLEDSOE; SGT. FLEMING; NURSE WITT,

Defendants - Appellees.

Appeal from the United States District Court for the Western District of Virginia, at
Roanoke. Thomas T. Cullen, District Judge. (7:20-cv-00036-TTC-PMS)

Submitted: February 8, 2024

Decided: February 14, 2024

Before KING, AGEE, and HARRIS, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

Norel Sterling Ward, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Norel Sterling Ward appeals the district court's order accepting the recommendation of the magistrate judge and dismissing his 42 U.S.C. § 1983 complaint for failure to exhaust administrative remedies prior to filing suit. We have reviewed the record and find no reversible error. Accordingly, we deny the pending motions and affirm the district court's order, *see Ward v. Kiser*, No. 7:20-cv-00036-TTC-PMS (W.D. Va. Mar. 13, 2023), but we modify the dismissal to be without prejudice, *see Ali v. Hogan*, 26 F.4th 587, 600 (4th Cir. 2022); *Moss v. Harwood*, 19 F.4th 614, 623 n.3 (4th Cir. 2021). 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