UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7203

GEORGE MILTON BRITT,

Plaintiff - Appellant,

versus

T. V. FOWLER, Police Officer; JOSEPH D. JENKINS, Officer; POLICE DEPARTMENT SECOND PRECINCT; VERA J. SANDERS, Commonwealth; K. ORSINI, Commonwealth,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Gerald Bruce Lee, District Judge. (CA-04-679)

Submitted: December 13, 2004 Decided: December 29, 2004

Before KING, GREGORY, and SHEDD, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

George Milton Britt, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

George Milton Britt appeals the district court's order denying relief on his 42 U.S.C. § 1983 (2000) complaint under 28 U.S.C. § 1915A(b) (2000). We have reviewed the record and find no reversible error. We note, however, that the district court should have dismissed the action without prejudice. See Napier v. Preslicka, 314 F.3d 528, 534 n.3 (11th Cir. 2002). Accordingly, we affirm as modified to reflect dismissal without prejudice See Britt v. Fowler, No. CA-04-679 (E.D. Va. July 13, 2004). 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