

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6647

DAVID A. GAMBINO,

Plaintiff - Appellant,

v.

DR. MOUBAREK, MD; CAROL MILLER, HIT; KRISTI CRITES, CRNP;
TOM GERA, RN; TODD C, PA-C; AMERZUA JODY, L.RN; BOCH P., RN;
VANMETER DENISE, RN; WARDEN STEWART, Warden; MCGAHEE
TEQUILA, DMD; BLAINE SMITH, MD; CARRIE HANSCOM, Director of
Radiology,

Defendants - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Greenbelt. Theodore D. Chuang, District Judge.
(8:15-cv-02202-TDC)

Submitted: February 22, 2017

Decided: March 6, 2017

Before NIEMEYER and DUNCAN, Circuit Judges, and DAVIS, Senior
Circuit Judge.

Affirmed as modified by unpublished per curiam opinion.

David A. Gambino, Appellant Pro Se. Jane Elizabeth Andersen,
OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland;
Christopher Ryan Daily, BRADY, FISCHER & DAILY, LLC, Annapolis,
Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David A. Gambino appeals the district court's order dismissing his complaint for failure to exhaust administrative remedies. We have reviewed the record and find no reversible error. Although we agree that Gambino failed to exhaust his claims and dismissal is mandatory, the dismissal should have been without prejudice to his right to refile should exhaustion become complete. Accordingly, we affirm the judgment of the district court as modified to reflect dismissal without prejudice. Gambino v. Moubarek, No. 8:15-cv-02202-TDC (D. Md. Apr. 22, 2016). We deny Gambino's motions for injunctive relief, for a continuance, and to supplement the appeal with new evidence. 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