

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-7207

TYRONE R. WALLACE,

Plaintiff - Appellant,

v.

LIEUTENANT MOODY, Transportation Officer,

Defendant - Appellee,

and

OFFICER N. HENNING, Unit Officer; CAPTAIN GILLIAN; CAPTAIN YOUNG;
F.C.I. Gilmer Captain; S.T.S LIEUTENANT ERVING; LIEUTENANT GRUNDY;
LIEUTENANT TODDLE, (SHU) Special Housing Unit; (SHU) OFFICER S.
LEGG; (SHU) OFFICER GAINER; MS. POSSE, (SHU) Health Service Medical
Nurse; MS. LANDER, Unit Manager; JOHN DOE, Lieutenant-Compound Officer;
THE RESPONSE TEAM,

Defendants.

No. 22-6048

TYRONE R. WALLACE,

Plaintiff - Appellant,

v.

ERVING; GAINER; LIEUTENANT GRUNDY; LANDERS, Unit Manager;
SERGEANT GILLIAN; N. HENNING, Unit Officer; MS. POSSE, (SHU) Health

Service Medical Nurse; CAPTAIN YOUNG, F.C.I. Gilmer Captain; OFFICER S. LEGG; LIEUTENANT TOODLE, (SHU) Special Housing Unit,

Defendants - Appellees,

and

LIEUTENANT MOODY, Transportation Officer; JOHN DOE, Lieutenant - compound officer; THE RESPONSE TEAM,

Defendants.

Appeals from the United States District Court for the Northern District of West Virginia, at Martinsburg. Gina M. Groh, Chief District Judge. (3:18-cv-00049-GMG-RWT)

Submitted: March 24, 2022

Decided: March 28, 2022

Before MOTZ, WYNN, and RICHARDSON, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

Tyrone R. Wallace, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tyrone R. Wallace appeals the district court's orders denying relief on his complaint filed pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *Wallace v. Henning*, No. 3:18-cv-00049-GMG-RWT (N.D.W. Va. July 28, 2021; Sept. 2, 2021; Sept. 24, 2021). However, we modify the district court's July 28, 2021, dismissal order to clarify that Wallace's claim is dismissed without prejudice. *See Attkisson v. Holder*, 925 F.3d 606, 628 (4th Cir. 2019) (holding that district court's dismissal for lack of service must be without prejudice because "a court generally lacks personal jurisdiction over unserved parties"). We deny Wallace's motion for relief from judgment. 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