

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

No. 06-1882

---

ELZEY FREDERICK JONES, JR.,

Plaintiff - Appellant,

versus

RONALD S. BURKE, JR., Department of Veterans  
Affairs,

Defendant - Appellee.

---

Appeal from the United States District Court for the District of Maryland, at Baltimore. J. Frederick Motz, District Judge.  
(1:05-cv-02358-JFM)

---

Submitted: October 31, 2006

Decided: November 2, 2006

---

Before WILLIAMS, MICHAEL, and GREGORY, Circuit Judges.

---

Affirmed as modified by unpublished per curiam opinion.

---

Elzey Frederick Jones, Jr., Appellant Pro Se. Tarra R. DeShields-Minnis, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Elzey Frederick Jones, Jr., appeals the district court's order dismissing this action for failure to exhaust his administrative remedies in accordance with the provisions of the Federal Tort Claims Act. We have reviewed the record and find no reversible error. Accordingly, we modify the dismissal of Jones' claim to be without prejudice and affirm as modified for the reasons stated by the district court. Jones v. Burke, No. 1:05-cv-02358-JFM (D. Md. June 21, 2006). We deny Jones' motions for default judgment and 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