Hardy v. Sutton Doc. 920070611

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-7701

VICKY HARDY,

Plaintiff - Appellant,

versus

ERNEST R. SUTTON, Superintendent at Pasquotank Correctional Center; MS. VANKEUREN, Medical Services at Pasquotank Correctional Center,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Louise W. Flanagan, Chief District Judge. (5:05-ct-00491-FL)

Submitted: January 31, 2007 Decided: June 11, 2007

Before WILLIAMS, TRAXLER, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Vicky Hardy, Appellant Pro Se. Yvonne Bulluck Ricci, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

Dockets.Justia.com

PER CURIAM:

Vicky Hardy appeals the district court's order dismissing Hardy's 42 U.S.C. § 1983 complaint without prejudice for failure to exhaust administrative remedies. We have reviewed the record and find no reversible error. While the district court may have erred in dismissing the complaint for failure to exhaust under the Supreme Court's recent decision in Jones v. Bock, ___U.S.___, 2007 WL 135890 (U.S. Jan. 22, 2007) (No. 05-7058), we affirm the district court's order on the modified ground that Hardy cannot proceed on claims based upon respondeat superior and supervisory liability. See Shaw v. Stroud, 13 F.3d 791, 799 (4th Cir. 1994); Wright v. Collins, 766 F.2d 841, 850 (4th Cir. 1985). 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