

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-1035**

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SHEILA BILYEU,

Plaintiff - Appellant,

v.

THE DAVID LETTERMAN SHOW; CBS,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Raymond A. Jackson, District Judge. (2:09-cv-00609-RAJ-TEM)

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Submitted: February 24, 2011

Decided: March 3, 2011

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Before GREGORY, SHEDD, and KEENAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Sheila Bilyeu, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sheila Bilyeu appeals the district court's order dismissing her civil complaint for failure to serve the summons and complaint upon Defendants in accordance with Fed. R. Civ. P. 4(m), and a subsequent order denying reconsideration. We have reviewed the record and find no reversible error. Accordingly, while we grant leave to proceed in forma pauperis, we affirm for the reasons stated by the district court.\* Bilyeu v. The David Letterman Show, No. 2:09-cv-00609-RAJ-TEM (E.D. Va. filed Sept. 16, 2010 & entered Sept. 17, 2010; Nov. 30, 2010). 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

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\* To the extent that the district court's order is unclear, we note that the dismissal was without prejudice. See Mendez v. Elliott, 45 F.3d 75, 78 (4th Cir. 1995) (a dismissal for failure to serve a defendant within 120 days after an action is filed should be "without prejudice").