

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6267

ARTHUR L. HAIRSTON,

Petitioner - Appellant,

v.

ERIC WILSON, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T. S. Ellis, III, Senior District Judge. (1:13-cv-00126-TSE-IDD)

Submitted: June 20, 2013

Decided: July 9, 2013

Before MOTZ, WYNN, and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Arthur L. Hairston, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Arthur Lee Hairston, Sr., a federal prisoner, appeals the district court's order denying relief without prejudice on his 28 U.S.C. § 2241 (West 2006 & Supp. 2013) petition. Hairston also moves to file a supplemental exhibit, which we grant and consider.

The district court found that Hairston failed to exhaust his administrative remedies. We have reviewed the record and find that, given the information before the district court, there was no reversible error.* Accordingly, although we grant leave to proceed in forma pauperis, we affirm for the reasons stated by the district court. Hairston v. Wilson, No. 1:13-cv-00126-TSE-IDD (E.D. Va. filed Feb. 5 & entered Feb. 6, 2013).

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

* On appeal, Hairston has presented further evidence regarding exhaustion. While expressing no opinion on whether Hairston has or has not exhausted his administrative remedies, we note that Hairston's petition was denied without prejudice and, thus, he is free to refile his petition in district court with his additional evidence.