

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1960

YAN DONOVAN,

Plaintiff - Appellant,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, Office of
Chemical Safety and Pollution Prevention Office of Pesticide
Programs,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. T.S. Ellis, III, Senior
District Judge. (1:15-cv-00178-TSE-MSN)

Submitted: December 17, 2015 Decided: December 21, 2015

Before DIAZ and HARRIS, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed as modified by unpublished per curiam opinion.

Yan Donovan, Appellant Pro Se. David Moskowitz, Assistant United
States Attorney, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Yan Donovan appeals the district court's order dismissing her complaint for lack of subject matter jurisdiction. See Fed. R. Civ. P. 12(b)(1). We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Donovan v. U.S. Env'tl. Prot. Agency, No. 1:15-cv-00178-TSE-MSN (E.D. Va. filed June 26, 2015 & entered June 29, 2015). However, we affirm as modified to reflect that the dismissal is without prejudice to Donovan's right to refile in the event she exhausts her administrative remedies. 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