

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 16-7139**

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KENNETH SYNCERE RIVERA, a/k/a Kenneth Rivera, a/k/a Kenneth  
D. Rivera,

Plaintiff - Appellant,

v.

BRYAN P. STIRLING, Director; MR. MCKIE, a/k/a Bernard McKie,  
Warden; MR. PEARSON, a/k/a Elbert Pearson, S.I.U.; MS.  
SMITH, I.C.C.; MR. SPAN, I.C.C.,

Defendants - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Anderson. J. Michelle Childs, District  
Judge. (8:15-cv-03196-JMC)

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Submitted: December 20, 2016 Decided: December 22, 2016

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Before GREGORY, Chief Judge, and WYNN and FLOYD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Kenneth Syncere Rivera, Appellant Pro Se. Stephanie Holmes  
Burton, GIBBES & BURTON, LLC, Spartanburg, South Carolina, for  
Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kenneth Syncere Rivera appeals the district court's order accepting the recommendation of the magistrate judge and denying relief on his 42 U.S.C. § 1983 (2012) complaint. Because the record discloses that Rivera failed to properly exhaust his administrative remedies as required under 42 U.S.C. § 1997e (2012), we affirm the dismissal without prejudice of his complaint. 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