

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 17-1732

MR. LESTER D. FLETCHER,

Plaintiff - Appellant,

v.

ASHTON BALDWIN CARTER; DEPARTMENT OF DEFENSE; DEFENSE
COMMISSARY AGENCY DeCA,

Defendants - Appellees.

Appeal from the United States District Court for the District of Maryland, at Greenbelt.
Paula Xinis, District Judge. (8:15-cv-03897-PX)

Submitted: October 24, 2018

Decided: November 7, 2018

Before NIEMEYER and THACKER, Circuit Judges, and SHEDD, Senior Circuit Judge.

Affirmed in part, affirmed as modified in part by unpublished per curiam opinion.

Lester D. Fletcher, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lester D. Fletcher appeals the district court's order dismissing his amended complaint alleging employment discrimination and retaliation and the court's order denying his Fed. R. Civ. P. 59(e) motion for reconsideration. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *Fletcher v. Carter*, No. 8:15-cv-03897-PX (D. Md. Mar. 6, 2017; filed Mar. 29, 2018 & entered Mar. 30, 2018). However, because the court dismissed Fletcher's age- and disability-related claims for lack of subject matter jurisdiction, we affirm that portion of the dismissal order as modified to reflect that the dismissal is without prejudice. *See S. Walk at Broadlands Homeowner's Ass'n v. OpenBand at Broadlands, LLC*, 713 F.3d 175, 185 (4th Cir. 2013) ("A dismissal for . . . [a] defect in subject matter jurisdiction[] must be one without prejudice, because a court that lacks jurisdiction has no power to adjudicate and dispose of a claim on the merits."). 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 IN PART,
AFFIRMED AS MODIFIED IN PART*