

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6348

FLORENCE BIKUNDI,

Petitioner - Appellant,

v.

R. MCCAFFREY, Warden FCI/SFF,

Respondent - Appellee.

Appeal from the United States District Court for the Northern District of West Virginia, at
Wheeling. John Preston Bailey, District Judge. (5:21-cv-00204-JPB-JPM)

Submitted: July 26, 2022

Decided: July 29, 2022

Before MOTZ, KING, and AGEE, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

Florence Bikundi, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Florence Bikundi, a federal prisoner, appeals the district court's order dismissing with prejudice her 28 U.S.C. § 2241 petition. We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's order, *Bikundi v. McCaffrey*, No. 5:21-cv-00204-JPB-JPM (N.D.W. Va. Mar. 10, 2022), but modify the order to reflect that the dismissal is without prejudice. *See S. Walk at Broadlands Homeowner's Ass'n, Inc. v. OpenBand at Broadlands, LLC*, 713 F.3d 175, 185 (4th Cir. 2013) ("A dismissal for lack of . . . 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."); *Moss v. Harwood*, 19 F.4th 614, 623 n.3 (4th Cir. 2021) (noting district court's dismissal without prejudice of prisoner's civil rights claim for failure to exhaust administrative remedies was "[c]onsistent with precedent" and citing cases). 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