

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6866

KELLY HARPER,

Petitioner - Appellant,

v.

WARDEN OF SFF HAZELTON,

Respondent - Appellee.

Appeal from the United States District Court for the Northern District of West Virginia, at
Wheeling. John Preston Bailey, District Judge. (5:22-cv-00072-JPB-JPM)

Submitted: November 17, 2022

Decided: November 23, 2022

Before KING, QUATTLEBAUM, and RUSHING, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

Kelly Harper, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kelly Harper, a federal prisoner, appeals the district court’s order dismissing with prejudice her 28 U.S.C. § 2241 petition in which she challenged the execution of her sentence. We have reviewed the record and find no reversible error. Accordingly, we affirm the district court’s order, *Harper v. Warden of SFF Hazelton*, No. 5:22-cv-00072-JPB-JPM (N.D.W. Va. July 7, 2022), but modify the order to reflect that the dismissal is without prejudice, *see 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 deny Harper’s motion to appoint counsel and 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