

## No. 10-3028

Defendant.

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\* Appeal from the United States  
\* District Court for the Eastern  
\* District of Arkansas.  
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\* [UNPUBLISHED]  
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Filed: January 4, 2011

PER CURIAM.

Following entry of judgment in his 42 U.S.C. § 1983 action, Steve Cannon appeals the district court's<sup>1</sup> grant of summary judgment to Ms. Green, a classification officer at the prison where Cannon was formerly incarcerated. After careful review, we agree with the district court that there was no evidence Cannon even attempted to exhaust administratively his claims against Green as required by the Prison Litigation Reform Act (PLRA). See King v. Iowa Dep't of Corr., 598 F.3d 1051, 1052 (8th Cir.), cert. denied, 79 U.S.L.W. 3226 (U.S. Oct. 12, 2010) (No. 10-5755) (reviewing de novo district court's interpretation of PLRA's administrative exhaustion provision); Popoalii v. Corr. Med. Servs., 512 F.3d 488, 499 (8th Cir 2008) (reviewing de novo grant of summary judgment). Accordingly, dismissal was required, see Jones v. Bock, 549 U.S. 199, 211, 218-20 (2007), but we clarify that the dismissal was without prejudice.

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<sup>1</sup>The Honorable Jerome T. Kearney, United States Magistrate Judge for the Eastern District of Arkansas, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).