UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-7752

BOBBY RAY GRADY,

Plaintiff – Appellant,

v.

CAREY WINDERS; FANE GREENFIELD, Major; DEPUTY BIGGINS; KEITH HARTZOG, Detective Sergeant; CARL E. LANCASTER, Lieutenant; KENNETH LUPTON, Sergeant,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:11-ct-03257-BO)

Submitted: February 20, 2013 Decided: February 25, 2013

Before MOTZ, SHEDD, and DAVIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Bobby Ray Grady, Appellant Pro Se. Christopher John Derrenbacher, PATTERSON DILTHEY, LLP, Raleigh, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

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PER CURIAM:

Bobby Ray Grady appeals from the district court's order dismissing his 42 U.S.C. § 1983 (2006) complaint without prejudice for failure to exhaust administrative remedies. We have reviewed the record and find no reversible error. Accordingly, we affirm substantially for the reasons stated by the district court. Grady v. Winders, No. 5:11-ct-03257-BO (E.D.N.C. Oct. 4, 2012). In addition, we decline to consider claims raised for the first time on appeal. See Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993). Finally, we note that certain of Grady's claims appear to be prematurely filed. See Heck v. Humphrey, 512 U.S. 477, 486-87 (1994). However, because the complaint was dismissed without prejudice, Grady is not barred from refiling his complaint if he can cure the defects in exhaustion on the claims required to be exhausted or once his claims have actually accrued under Heck. 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