



Iowa inmate Frank Owens appeals the district court's<sup>1</sup> adverse grant of summary judgment in his 42 U.S.C. § 1983 action against Elizabeth Robinson (the Chair of the Iowa Board of Parole) and Clarinda Correctional Facility personnel. After careful de novo review, see Johnson v. Blaukat, 453 F.3d 1108, 1112 (8th Cir. 2006), we conclude that dismissal was proper as to the claim against Robinson, because she established that Owens failed to exhaust his administrative remedies as required under 42 U.S.C. § 1997e(a); however, we modify the dismissal to be without prejudice, see Jones v. Douglas County Corr. Ctr., 306 Fed. Appx. 339, 340 (8th Cir. 2009) (unpublished per curiam). As to the remaining defendants, we conclude that dismissal was proper for the reasons stated by the district court. See 8th Cir. R. 47B.

Accordingly, we affirm the judgment as modified.

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<sup>1</sup>The Honorable Thomas J. Shields, United States Magistrate Judge for the Southern District of Iowa, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).