



PER CURIAM.

Arkansas inmate Christopher Love brought this 42 U.S.C. § 1983 action asserting claims arising from another inmate's attack on him. Prior to service, the district court<sup>1</sup> dismissed the action on the ground that Mr. Love had failed to exhaust administrative remedies for his claims against defendants Larry May, Greg Harmon, and Terry James.

We agree that, because Mr. Love did not file grievances against those three defendants, dismissal was proper. See 42 U.S.C. § 1997e(a); Porter v. Nussle, 534 U.S. 516, 524 (2002) (administrative exhaustion is prerequisite to § 1983 prison-conditions lawsuit even if administrative remedies are not plain, speedy, and effective, and relief inmate seeks is not available); Graves v. Norris, 218 F.3d 884, 885-86 (8th Cir. 2000) (per curiam) (dismissal proper where at least some of plaintiff's claims were unexhausted when district court ruled). We note that under the prison's grievance procedure, Mr. Love can no longer timely file grievances relating to events that occurred in 2002, and thus he cannot administratively exhaust the claims he asserted against May, Harmon, and James.

Accordingly, we affirm the district court's dismissal, but we modify the dismissal to be without prejudice, so that Mr. Love may file in the district court a complaint that includes only his exhausted claims. We also deny Mr. Love's pending motion and vacate our previous order dismissing May, Harmon, and James from the appeal.

---

<sup>1</sup>The Honorable James M. Moody, United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Henry L. Jones, Jr., United States Magistrate Judge for the Eastern District of Arkansas.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.