

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-30193
Conference Calendar

GARY P. SMITH,

Plaintiff-Appellant,

versus

MARIE VARNADO; Dr. QUYEN TRAN,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 96-CV-2544
- - - - -

February 9, 1999

Before BARKSDALE, and EMILIO M. GARZA, Circuit Judges.*

PER CURIAM:**

Gary P. Smith, Louisiana prisoner #88648, appeals the district court's dismissal without prejudice of his 42 U.S.C. § 1983 action for failure to exhaust his prison administrative remedies pursuant to 42 U.S.C. § 1997e(a). The Prison Litigation Reform Act amended § 1997e(a) to provide that no § 1983 action may be filed by a prisoner until available administrative remedies have been exhausted. § 1997e(a). Because Smith filed suit prior to exhausting available remedies, we affirm the

*This matter is being decided by a quorum. 28 U.S.C. § 46(d).

** Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

dismissal. See Underwood v. Wilson, 151 F.3d 292, 294 (5th Cir. 1998).

AFFIRMED.