

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

WILLIE HAMMOND, III, <i>Plaintiff-Appellant,</i> v. NORTHERN NECK REGIONAL JAIL, <i>Defendant-Appellee.</i>

No. 01-6482

Appeal from the United States District Court
for the Eastern District of Virginia, at Richmond.
James R. Spencer, District Judge.
(CA-01-8-3)

Submitted: July 17, 2001

Decided: August 3, 2001

Before LUTTIG, MOTZ, and GREGORY, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

COUNSEL

Willie Hammond, III, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit. See
Local Rule 36(c).

OPINION

PER CURIAM:

Willie Hammond appeals the district court's order dismissing his 42 U.S.C.A. § 1983 (West Supp. 2000) action without prejudice for failure to pay the initial partial filing fee required under the Prison Litigation Reform Act, 28 U.S.C.A. § 1915(b)(1)(A) (West Supp. 2000). Hammond claims that he was under the misimpression that his execution of a court-prepared consent form for the collection of fees from his prison account was sufficient to satisfy the fee requirement. Because it appears from the language of the consent form that Hammond's belief was reasonable, we vacate the district court's order dismissing his action and remand so that Hammond may have a reasonable period in which to remit the partial filing fee. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

VACATED AND REMANDED