

UNPUBLISHED  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

FREDERICK D. KYLE,  
*Plaintiff-Appellant,*

v.

JAMILLA F. BURNEY, Associate  
Warden; E. L. PERSON, Chief  
Warden,

*Defendants-Appellees.*

No. 01-7542

Appeal from the United States District Court  
for the Eastern District of Virginia, at Richmond.  
Robert E. Payne, District Judge.  
(CA-01-396-3)

Submitted: February 15, 2002

Decided: March 11, 2002

Before WILKINS, MICHAEL, and KING, Circuit Judges.

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Vacated and remanded by unpublished per curiam opinion.

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**COUNSEL**

Frederick D. Kyle, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

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**OPINION**

## PER CURIAM:

Frederick Kyle, a Virginia inmate, appeals the district court's order dismissing without prejudice Kyle's 42 U.S.C.A. § 1983 (West Supp. 2001) action for failure to comply with a court order that Kyle file a form entitled "Consent to Collection of Fees." The district court record contains such a consent form, which Kyle executed on June 25, 2001, and filed in the district court on August 6, 2001. In light of Kyle's having filed the required form, we vacate the district court's order and remand this matter for further proceedings. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before us and argument would not aid the decisional process.

*VACATED AND REMANDED*