

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-6145

JAY MIKAL BROOKS,

Plaintiff - Appellant,

versus

BIRD, Deputy; FITZGERALD, Sargeant; DEPUTY
BATCH, Classification Officer,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Norfolk. Raymond A. Jackson, District
Judge. (CA-04-593)

Submitted: November 16, 2005

Decided: December 13, 2005

Before MICHAEL, TRAXLER, and DUNCAN, Circuit Judges.

Remanded by unpublished per curiam opinion.

Jay Mikal Brooks, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Jay Mikal Brooks appeals the district court's order dismissing without prejudice his 42 U.S.C. § 1983 (2000) action for failing to apprise the district court of a new address. This court remanded for a determination of whether the district court would extend the time for filing Brooks's notice of appeal pursuant to Fed. R. App. P. 4(a)(5). The district court found good cause for an extension of time. The court also noted that, pursuant to our decision in Fobian v. Storage Tech. Corp., 164 F.3d 887, 891 (4th Cir. 1999), it would be inclined to grant a motion to reopen the action. Brooks has now filed a motion to reopen in the district court and a motion to remand in this court. We grant the motion, and remand for the limited purpose of consideration of the merits of Brooks's Fed. R. Civ. P. 60(b) motion. See Fobian, 164 F.3d at 892. We express no opinion of the merits of the motion. 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.

REMANDED