

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-8177

WILLIAM E. ALTON, III,

Plaintiff - Appellant,

v.

MARYLAND DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, et al; KATHLEEN GREEN, Warden Eastern Corr. Inst.; BOBBY SHEARIN, Warden Western Corr. Inst.; B. MCKENZIE, C.O.2; G. WILSON, C.O.2; R. A. BEEMAN, C.O.2; S. A. WILSON, C.O.2; S. SHAVER, C.O.; WHITESIDE, Lt.; F. WILHELM, C.O.2; JEFFREY KESSLER, C.O.2; J. P. MORGAN, Captain (pty), Assist Warden; H. B. MURPHY; BEAL, C.O.2; CARDER, C.O.S; C. MCKENZIE, Lt.; LT. FRIEND, et al Defendants in their individual and official capacities,

Defendants - Appellees.

Appeal from the United States District Court for the District of Maryland, at Baltimore. William M. Nickerson, Senior District Judge. (1:09-cv-01311-WMN)

Submitted: May 26, 2010

Decided: July 1, 2010

Before WILKINSON, MOTZ, and DAVIS, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

William E. Alton, III, Appellant Pro Se. Stephanie Judith Lane Weber, OFFICE OF THE ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William E. Alton, III, appeals the district court's order dismissing his 42 U.S.C. § 1983 (2006) complaint as frivolous under 28 U.S.C. § 1915(e)(2)(B) (2006). Because the district court failed to consider the claims raised in Alton's initial complaint before dismissing the action, we vacate the district court's order and remand for consideration of these claims in the first instance. In so doing, we express no opinion as to the merits of Alton's claims. 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