

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6651

BILLY RAY LOCKLEAR,

Plaintiff - Appellant,

v.

BOYD BENNETT, Regional Director; DAVID MITCHELL, Facility Administrator; MIKE SLAGLE, 3rd in Command; CHRIS MOODY, Captain; ROBERT GUY, Captain; RODNEY BENNETT, Sergeant; VICTORIA SELLERS, Sergeant; BRENDA ZIMMERMAN, Sergeant; TRAVIS SPARKS, Sergeant; RICHARD JOBE, Sergeant; CAROLYN WINFIELD; KEVIN BENFIELD, Unit Manager; JASON GARLAND, Officer; DONNA GIBSON, Officer; BURTCFIELD, Officer; BEAVERS, Officer; MARGIE LAWLER, Assistant Superintendent,

Defendants - Appellees.

Appeal from the United States District Court for the Western District of North Carolina, at Asheville. Graham C. Mullen, Senior District Judge. (1:10-cv-00075-GCM)

Submitted: January 12, 2011

Decided: February 2, 2011

Before WILKINSON, KING, and WYNN, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

Billy Ray Locklear, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Billy Locklear, a North Carolina prisoner, appeals the district court's order dismissing Locklear's 42 U.S.C. § 1983 (2006) complaint pursuant to 42 U.S.C. § 1997e (2006) for failure to demonstrate complete exhaustion of administrative remedies. Locklear represented to the district court that he had not fully exhausted his administrative remedies with respect to one of his claims. Because dismissal of the entire complaint is not required when the prisoner has failed to exhaust some, but not all, of the claims included in his complaint, Jones v. Bock, 549 U.S. 199, 220-24 (2007), we vacate the decision of the district court and remand for further proceedings. We deny the motion for appointment of counsel and dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument will not aid the decisional process.

VACATED AND REMANDED