

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6194

KEYON RIDDICK,

Plaintiff - Appellant,

v.

HERLOCK, Mr. Director of Security; JO HONG, Correctional
Officer; FAUX, Mr. Correctional Officer,

Defendants - Appellees,

and

CHAN, Correctional Officer; JUSTICE, Correctional Officer;
WITTAKER, Correctional Officer/Sergeant; RAY, Correctional
Officer; MAILS, Correctional Officer/Sergeant,

Defendants.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. T. S. Ellis, III, Senior
District Judge. (1:12-cv-01240-TSE-TRJ)

Submitted: June 12, 2014

Decided: June 25, 2014

Before MOTZ and AGEE, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Vacated and remanded by unpublished per curiam opinion.

Keyon Riddick, Appellant Pro Se. Alexander Francuzenko, Lee Brinson Warren, COOK CRAIG & FRANCUZENKO, PLLC, Fairfax, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

On January 25, 2013, the district court dismissed Keyon Riddick's 42 U.S.C. § 1983 (2012) case without prejudice for failure to timely file an exhaustion affidavit. Riddick timely appealed, and we ordered a limited remand for the district court to determine whether Riddick timely placed his exhaustion affidavit within the prison mailing system. After Riddick filed a verified statement asserting that he had complied with the district court's original order to timely file his exhaustion affidavit, the district court entered an order finding that Riddick had timely filed his exhaustion affidavit and concluding that the case was now ripe to proceed.

Accordingly, we vacate the district court's January 25, 2013 order dismissing Riddick's complaint and remand for further proceedings. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

VACATED AND REMANDED