

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-6202

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHARLES ROBERT BAREFOOT, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:05-cr-00166-BO-1)

Submitted: June 16, 2015

Decided: July 7, 2015

Before WILKINSON, KING, and FLOYD, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

Charles Robert Barefoot, Jr., Appellant Pro Se. Jennifer P. May-Parker, Assistant United States Attorney, Eric David Goulian, Kimberly Ann Moore, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charles Robert Barefoot, Jr., appeals the district court's order denying his motion to compel Barefoot's former counsel to mail him his case files so that Barefoot may pursue a 28 U.S.C. § 2255 (2012) motion. We review the court's denial of a motion to compel for abuse of discretion. See Wells v. Liddy, 186 F.3d 505, 518 n.12 (4th Cir. 1999). Under N.C. Rules of Prof'l Conduct R. 1.16(d), "[u]pon termination of representation, a lawyer shall takes steps to the extent reasonably practicable to protect a client's interests, such as . . . surrendering papers and property to which the client is entitled." See also United States v. Basham, __ F.3d __, 2015 WL 3651574, at *27 (4th Cir. 2015) (reviewing legal authority requiring counsel to deliver client's files upon termination of representation). Thus, because Barefoot's former counsel should return the case files to Barefoot, we conclude the court misapprehended the applicable legal principles and thus abused its discretion in denying Barefoot's motion to compel.

Accordingly, we vacate the district court's order and remand with directions that Barefoot's motion to compel be granted and that the court direct Barefoot's former counsel to mail Barefoot the case files to which he is entitled. 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