

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-6968

DOMMERNICK BROWN, United States of America, Suis Juris- Pro Se and Pro Se Coach-In Forma Pauperis and Supporter of The Second Coming of Jesus Christ Super-Star The Messiah and Super-Star-and The Version of The New World Order #777 ALMIGHTY-GODS New World Order 777,

Petitioner - Appellant,

v.

HON. WARDEN B. R. JETT, Warden of the Federal Medical Center (located in Rochester, Minnesota),

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Florence. Terry L. Wooten, Chief District Judge. (4:15-cv-01983-TLW)

Submitted: October 30, 2015

Decided: November 6, 2015

Before NIEMEYER, MOTZ, and KEENAN, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

Dommernick Brown, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dommernick Brown, a federal prisoner, appeals the district court's order dismissing his 28 U.S.C. § 2241 (2012) petition without prejudice. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2012). The magistrate judge recommended that the § 2241 petition be dismissed without prejudice and advised Brown that failure to file timely, specific objections to this recommendation could waive appellate review of a district court order based upon the recommendation. The district court found that no objections were filed and dismissed the § 2241 petition. The record discloses, however, that Brown filed timely objections to the magistrate judge's report. The objections were mistakenly construed as a notice of appeal of the district court's order because they were received after entry of that order.

We accordingly vacate the district court's order and remand for consideration of Brown's timely objections.* We dispense with oral argument because the facts and legal contentions are

* We have construed Brown's informal brief as a timely notice of appeal. See Fed. R. App. P. 4(a)(1)(B); Smith v. Barry, 502 U.S. 244, 248-49 (1992).

adequately presented in the materials before this court and argument would not aid the decisional process.

VACATED AND REMANDED