

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

BERNARD BAGLEY,

Plaintiff-Appellant.

v.

SOUTH CAROLINA DEPARTMENT OF
CORRECTIONS; STEVEN GOLDBERG,
Evans Correctional Institution
Classification; LINDA WILLIAMS,

No. 95-7966

Evans Correctional Institution
Classification; GENE BAKER, Evans
Correctional Institution Prison
Industry; SAMMIE BROWN, South
Carolina Department of Corrections
Classification; ROBERT WARD, Evans
Correctional Institution, Warden,
Defendants-Appellees.

Appeal from the United States District Court
for the District of South Carolina, at Charleston.
Solomon Blatt, Jr., Senior District Judge.
(CA-95-3233-2-8AJ)

Submitted: February 27, 1997

Decided: March 12, 1997

Before MURNAGHAN, NIEMEYER, and MOTZ, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

COUNSEL

Bernard Bagley, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Appellant appeals from the district court's order dismissing his 42 U.S.C. § 1983 (1994) complaint. The district court assessed a filing fee in accordance with Evans v. Croom, 650 F.2d 521 (4th Cir. 1981), cert. denied, 454 U.S. 1153 (1982), and dismissed the case without prejudice when Appellant failed to pay the fee within thirty days. However, Appellant was given sixty days to pay the fee and prior to dismissal he objected to the fee order. Because Appellant was given sixty--not thirty--days to pay the fee and he objected within that time, we grant Appellant leave to proceed in forma pauperis on appeal, vacate the dismissal order, and remand with instructions to address Appellant's objections and give him additional time to pay the fee. 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