

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

JOHN HENRY VAN FLEET,
Plaintiff-Appellant,

v.

B. COLEMAN, Corporal/Corrections
Officer; CORPORAL MOSES,
Corrections Officer; DONALD
SWETTER, Medical Doctor/Medical
Director; DOCTOR CASSON,
Psychologist/Mental Health
Director; DOCTOR SHAW,
Psychiatrist/Psychologist/M.H.;
DOCTOR OMIRAH, Psychiatrist/Mental
Health Worker; DOCTOR GAMACHEZ,
Social Worker/Mental Health
Worker; Ms. BOONE, RN/Medical
Nurse; Ms. GRIFFIN, RN/Medical
Nurse; DOCTOR, Medical Doctor;
LIEUTENANT JARRELL, Corrections
Officer; R. SIMMONS, Corrections
Officer; R. R. BAILEY, Corporal/
Corrections Officer; SERGEANT
BARNES, Corrections Officer;
CORPORAL DIKON, Corrections
Officer; CORPORAL LEMON,
Corrections Officer; CORPORAL
POWELL, Corrections Officer;
CORPORAL STEEL, Corrections
Officer; CORPORAL GRIZZARD,
Corrections Officer; CORPORAL
REEFER, Corrections Officer;

No. 00-7039

CORPORAL McCLONE, Corrections Officer; SERGEANT ELEY, Corrections Officer; CORPORAL LYONS, Corrections Officer; PRIVATE MONTGOMERY, Corrections Officer; CORPORAL KNIGHT, Corrections Officer; PRIVATE BEASLEY, Corrections Officer; PRIVATE BELFIELD, Corrections Officer; PRIVATE DANIELS, Corrections Officer; CORPORAL KELLEY, Corrections Officer; CORPORAL CHOLSON, Corrections Officer; MR. WILMOUTH, Unit Manager; CORPORAL GRANT, Corrections Officer; CORPORAL TUCKER, Corrections Officer; SERGEANT EZZLE, Corrections Officer; CORPORAL WELLS, Corrections Officer; SERGEANT BRIGGS, Corrections Officer; PRIVATE PETKO, Corrections Officer; DOCTOR IGLESIA, Medical Doctor/Physician; K. LEWIS, Medical Doctor/Physician; H. P. GREEN, QM, Administration Staff; MR. MOOREHEAD, Administrations Staff; CIRC TURNER, Administrations Staff; CAPTAIN GIBBONS, Corrections Officer,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Virginia, at Norfolk.
Jerome B. Friedman, District Judge.
(CA-00-57-2)

Submitted: November 30, 2000

Decided: February 20, 2001

Before NIEMEYER, LUTTIG, and MICHAEL, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

COUNSEL

John Henry Van Fleet, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

John Henry Van Fleet appeals the district court's order dismissing his 42 U.S.C.A. § 1983 (West Supp. 2000) action without prejudice for failure to pay the initial partial filing fee required under the Prison Litigation Reform Act, 28 U.S.C.A. § 1915(b)(1)(A) (West Supp. 2000). On appeal, Van Fleet claims that he believed that he complied with the district court's order to pay the initial fee increment when he signed the authorization form to have his prison account debited. Because it appears that Van Fleet's omission was unintentional and because dismissal of this action will render some of Van Fleet's claims time-barred, we vacate the district court's order dismissing his action and remand this case to the district court so that Van Fleet may have a reasonable period in which to submit the partial filing 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