

UNPUBLISHED  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

KARL G. BYRD, SR.,  
*Plaintiff-Appellant,*

v.

THE BALTIMORE SUN COMPANY;  
BALTIMORE GRAPHIC COMMUNICATIONS  
UNION #31,

*Defendants-Appellees,*

and

ROBERT STALLINGS, President,  
Baltimore Graphic Communications  
Union #31,

*Defendant.*

No. 01-2054

Appeal from the United States District Court  
for the District of Maryland, at Baltimore.  
J. Frederick Motz, District Judge.  
(CA-00-2677-JFM)

Submitted: August 14, 2002

Decided: August 30, 2002

Before LUTTIG, WILLIAMS, and KING, Circuit Judges.

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Vacated and remanded by unpublished per curiam opinion.

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**COUNSEL**

Ralph T. Byrd, Laytonsville, Maryland, for Appellant. Charles Lamasa, Baltimore, Maryland; Howard K. Kurman, OFFIT, KURMAN & ALMS, P.A., Owings Mills, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

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### OPINION

PER CURIAM:

Karl G. Byrd, Sr., appeals from the dismissal of his employment discrimination complaint, 42 U.S.C. § 2000e to 2000e-17 (2000), for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6). The district court found that Byrd failed to set forth sufficient facts to establish a prima facie discrimination claim in his complaint. On appeal, Byrd argues he is not required to plead a prima facie case in his complaint, and instead must merely comply with the liberal pleading standards found in Fed. R. Civ. P. 8(a). He relies on a recent case, *Swierkiewicz v. Sorema*, \_\_\_ U.S. \_\_\_, 122 S. Ct. 992 (2002), which stands for that proposition. The district court did not have the benefit of *Swierkiewicz*'s reasoning. Therefore, we vacate and remand for further proceedings consistent with that decision. Our decision renders moot Byrd's motion for summary disposition, so we deny that motion. 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