

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

JOHN CARL ROES,
Plaintiff-Appellant,

v.

THE STATE OF MARYLAND; UNITED
STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND,
Defendants-Appellees.

No. 02-1958

Appeal from the United States District Court
for the District of Maryland, at Baltimore.
Frederic N. Smalkin, District Judge.
(CA-02-2510-S)

Submitted: December 17, 2002

Decided: February 14, 2003

Before TRAXLER and KING, Circuit Judges, and
HAMILTON, Senior Circuit Judge.

Vacated and remanded by unpublished per curiam opinion.

COUNSEL

John Carl Roes, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

John Carl Roes appeals the order of the district court dismissing his civil action under 42 U.S.C. § 1983 (2000). The document received in the district court was addressed to the United States District Court for the District of Delaware and named the State of Maryland and the United States District Court for the District of Maryland as defendants. Therefore, it appears Roes intended the document to constitute service of process on the district court as a defendant rather than the filing of a lawsuit in that court. The district court, however, treated the document as a filing and dismissed the action.

The district court's confusion is understandable, given the vague and conclusory nature of the document and Roes' history of litigation in the District of Maryland. Nevertheless, exercise of jurisdiction and disposition of a "case" the plaintiff apparently did not intend to bring in the District of Maryland was erroneous. We therefore vacate the judgment of the district court and remand with instructions that the case be dismissed without prejudice because it was opened in error. We express no opinion on the merits of Roes's claims or the propriety of any other court's exercise of jurisdiction in the matter. 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