UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-6962

CHRISTOPHER NELSON PAYNE,

Plaintiff - Appellant,

v.

CLAY A. CORBIN, Superintendent; ROBERT DRYDAN, Medical PA-C; C. ROBINSON, Medical, LPN Correctional Officer I; RIGGLEMAN, COII Hearing Officer; WATSON, Medical, M.D.; HEATH CUSTER, Captain of Support Services; DURITO, LT of Support Serv.; LT. WADE TAYLOR; CAPT. M. PARKER, Division Captain of Security; MOWERY, Sgt. of Security; ELKINS, Medical, LPN; BORDEAUX, Correctional Officer; HEIRONIMUS, LT Watch Commander; LACHANCE, Medical, LPN; TINNEY, Medical, LPN; STOCKHIEM, Medical C/O for MAT; JOHNSON, Medical, LPN = C/OI; MAYS, ACA, Sgt.; NRADC MEDICAL; LPN TANNER, Asst. Director of Nursing; CORRECTIONAL OFFICER WILLIAMS; KOVAK; SERGEANT WISE, Shift Commander; PATRICK OBER; SCOTT OTTOLINI; VADOC BOARD OF SUPERVISORS; FCBOS; JONES; MITCHELL,

Defendants – Appellees,

and

TANNOR, Medical, LPN A-DON; SALES, Correctional Officer; B. WILLIAMS, Correctional Officer; SGT. WATCH COMMANDER D. WISE, II; HALL, Correctional Officer/Classification,

Defendants.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Elizabeth K. Dillon, Chief District Judge. (7:25-cv-00520-EKD-CKM)

Submitted: June 25, 2026 Decided: September 2, 2026

Before BENJAMIN and BERNER, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Vacated and remanded by unpublished per curiam opinion.

Christopher Nelson Payne, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Christopher Nelson Payne appeals the district court's order dismissing without prejudice his 42 U.S.C. § 1983 complaint for failure to comply with the magistrate judge's directive to pay the filing fee or complete an application to proceed in forma pauperis by providing a completed prisoner trust account statement. Payne also seeks the appointment of counsel on appeal. We review for abuse of discretion a district court's dismissal of an action without prejudice for failure to comply with a court order. *Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989). Although we deny Payne's motions for appointment of counsel, we vacate the district court's order and remand for further proceedings.

On September 17, 2025, after Payne filed an amended complaint, the magistrate judge ordered him to file a completed prisoner trust account statement within 30 days, noting that Payne had to file statements from every facility in which he was housed during the preceding six months. The magistrate judge warned Payne that failure to comply would result in dismissal of his complaint. On October 29, 2025, the district court dismissed the action without prejudice because Payne had not complied with the order. However, on November 3, 2025, the district court received Payne's prisoner trust account statement, which had been signed by the trust officer on October 29, 2025.

Because the district court did not have the benefit of the October 29 trust account statement prior to dismissing the suit, we vacate the district court's order and remand so that the district court may review Payne's documentation to determine whether it complies with the magistrate judge's directive. We dispense with oral argument because the facts

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

VACATED AND REMANDED