

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-2073

MICHAEL J. SINDRAM,

Plaintiff - Appellant,

v.

PATRICIA L. HARRINGTON; DOUGLAS B. ROBELEN, State Actor;
HON. GERALD BRUCE LEE; PHYLLIS T. WALTON; LISA GRAYSON; U.S.
MARSHAL SERVICE; JOHN HACKMAN,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. Gerald Bruce Lee, District
Judge. (1:09-cv-01082-GBL-IDD)

Submitted: December 16, 2010

Decided: December 22, 2010

Before GREGORY, DUNCAN, and DAVIS, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

Michael J. Sindram, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael J. Sindram appeals the district court's order imposing a pre-filing injunction. We review the imposition of a pre-filing injunction for abuse of discretion. Cromer v. Kraft Foods N. Am., Inc., 390 F.3d 812, 817 (4th Cir. 2004). Federal courts may issue pre-filing injunctions when vexatious conduct hinders the court from fulfilling its constitutional duty. Id.; Procup v. Strickland, 792 F.2d 1069, 1073-74 (11th Cir. 1986) (en banc) (per curiam). Before enjoining the filing of further actions, however, the district court must afford the litigant notice and an opportunity to be heard. Cromer, 390 F.3d at 819; In re Oliver, 682 F.2d 443, 446 (3d Cir. 1982). Here, the district court sua sponte issued the injunction. Because the court imposed the injunction without affording Sindram an opportunity to be heard, we grant Sindram's request to proceed in forma pauperis on appeal, vacate the district court's order, and remand for further proceedings. 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