

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-6047

MR. WALTER RAY BEASLEY,

Plaintiff - Appellant,

v.

MRS. T. PEYTON, Kitchen Supervisor; MR. LARRY LEABOUGH, Head Superintendent; MR. MARK CULVER, Lieutenant; MR. JASON ANDREWS, Officer; MR. EDWARD BLACKWELL, Chaplin at RRJ; MR. EDWARD LEABOUGH, Lieutenant (Lt); DENNIS HOLMES, Asst. Superintendent; J. LAVINE, Lieutenant (Lt); LATORIA MILLS, RRJ Ofc.; C. MAXWELL, RRJ Ofc.; MS. HARRIS, Kitchen Supervisor,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Rossie David Alston, Jr., District Judge. (1:23-cv-00782-RDA-WEF)

Submitted: June 25, 2024

Decided: June 28, 2024

Before RICHARDSON and QUATTLEBAUM, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Vacated and remanded by unpublished per curiam opinion.

Walter Ray Beasley, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Walter Ray Beasley appeals the district court's order dismissing without prejudice his 42 U.S.C. § 1983 complaint under 28 U.S.C. § 1915A(b)(1) and for failure to prosecute and comply with a court order.^{*} We vacate and remand for further proceedings.

We review de novo a district court's dismissal under § 1915A, *De'lonta v. Johnson*, 708 F.3d 520, 524 (4th Cir. 2013), and we review for abuse of discretion a district court's dismissal for failure to prosecute, *Attkisson v. Holder*, 925 F.3d 606, 625 (4th Cir. 2019). Under such review, we conclude that the district court erred in dismissing Beasley's complaint for failure to prosecute or comply with a court order. The record reflects that Beasley notified the district court by letter filed on July 19, 2023, that his correct address was Riverside Regional Jail, not Piedmont Regional Jail. However, the record also reveals that the district court's October 12, 2023, order directing Beasley to file an amended complaint within 30 days was mailed to him at Piedmont Regional Jail, rather than Riverside Regional Jail, and was returned as undeliverable. The court based its subsequent December 11, 2023, order of dismissal on Beasley's failure to file an amended complaint as directed and his failure to keep the court informed of his correct address. Beasley filed his notice of appeal from the court's December 2023 dismissal order only after the court resent the order to him at his correct address at Riverside Regional Jail. Because it does

^{*} The district court's dismissal without prejudice is a final, appealable order because the court dismissed the complaint without granting leave to amend. *See Britt v. DeJoy*, 45 F.4th 790, 796 (4th Cir. 2022).

not appear that Beasley failed to provide the court with his correct, current address, we conclude that the dismissal was in error.

Accordingly, we vacate the district court's order dismissing Beasley's complaint and remand for further proceedings. 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 the decisional process.

VACATED AND REMANDED