

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-1346

ELBERT GAYNOR,

Plaintiff - Appellant,

v.

CALVIN BALL; JACOB DAY; WES MOORE,

Defendants - Appellees.

Appeal from the United States District Court for the District of Maryland, at Baltimore.
George L. Russell, III, Chief District Judge. (1:23-cv-02152-GLR)

Submitted: May 6, 2025

Decided: May 27, 2025

Before WILKINSON, WYNN, and RICHARDSON, Circuit Judges.

Remanded by unpublished per curiam opinion.

Elbert Gaynor, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Elbert Gaynor appeals the district court's March 5, 2025, order returning his Fed. R. Civ. P. 60(b) motion to him unfiled because the underlying case was closed and the court had denied a previous motion for reconsideration filed pursuant to Fed. R. Civ. P. 59(e). We have reviewed the record and conclude that the district court erred in failing to docket Gaynor's Rule 60(b) motion. Accordingly, although we deny Gaynor's motion for a stay pending appeal, we remand the case for the district court to docket and consider Gaynor's Rule 60(b) motion. We express no opinion on the ultimate disposition of Gaynor's claims. 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.

REMANDED