

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-7927**

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ROGER STEVENSON,

Plaintiff - Appellant,

v.

APRIL SHOUP, Unit Manager at the Marion Correctional  
Institution; JASON DOBSON, Case Manager; TURNER SOUTH,

Defendants - Appellees.

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Appeal from the United States District Court for the Western  
District of North Carolina, at Charlotte. Graham C. Mullen,  
Senior District Judge. (3:08-cv-00305-GCM)

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Submitted: July 22, 2010

Decided: July 29, 2010

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Before NIEMEYER, GREGORY, and SHEDD, Circuit Judges.

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Remanded by unpublished per curiam opinion.

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Roger Stevenson, Appellant Pro Se. Elizabeth F. Parsons,  
Assistant Attorney General, Raleigh, North Carolina, for  
Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Roger Stevenson appeals from the district court's order granting summary judgment in favor of Defendants in his 42 U.S.C. § 1983 (2006) civil rights action. The district court entered judgment on October 9, 2009, and Stevenson noted a timely appeal on October 13, 2009. On October 22, 2009, Stevenson filed a motion under Fed. R. Civ. P. 52(a)-(b) and 59(e), seeking to set aside and amend the district court's findings and alter or amend the October 9 judgment. Defendants filed a response in opposition in November 2009.

Stevenson's motion remains pending in the district court, and the court has not indicated any inclination to grant it. In the interest of avoiding further delay in this case, we order a limited remand and direct the district court to promptly consider the motion on its merits. See Fobian v. Storage Tech. Corp., 164 F.3d 887, 891 (4th Cir. 1999). If the court concludes that the motion is meritless, it should deny it; if the court is inclined to grant the motion, it should issue a short memorandum so stating. The record, as supplemented, will be returned to this court for further consideration after the district court's ruling. In ordering this remand, we express no opinion as to the merits of Stevenson's motion.

REMANDED