

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 20-6716**

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DEREK LAMAR TOMPKINS,

Petitioner - Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (1:20-cv-00099-LMB-MSN)

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Submitted: October 22, 2020

Decided: October 27, 2020

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Before WYNN, FLOYD, and THACKER, Circuit Judges.

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Vacated and remanded by unpublished per curiam opinion.

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Derek Lamar Tompkins, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Derek Lamar Tompkins appeals the district court's order denying his application for leave to proceed in forma pauperis and dismissing his 28 U.S.C. § 2254 petition because he failed to pay the \$5 filing fee. Our review of the record shows that Tompkins paid the filing fee before the district court dismissed his petition. Accordingly, we 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 this court and argument would not aid the decisional process.

*VACATED AND REMANDED*

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\* We deny a certificate of appealability as unnecessary. *See Harbison v. Bell*, 556 U.S. 180, 183 (2009).