

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 21-7669**

---

NIJEL RAMSEY LEE, a/k/a Nijel Ramsey Lee Bey,

Plaintiff - Appellant,

v.

RICKY D. CRIBB; BRYAN DOUGLAS BROWNING; TAHARRA NICOLE  
LEACH; MICHAEL E. PAIT; TIMOTHY W. STRICKLAND; CHRISTOPHER D.  
SANDERSON,

Defendants - Appellees.

---

Appeal from the United States District Court for the Eastern District of North Carolina, at  
Raleigh. James C. Dever III, District Judge. (5:20-ct-03308-D)

---

Submitted: April 19, 2022

Decided: August 24, 2022

---

Before DIAZ and RUSHING, Circuit Judges, and KEENAN, Senior Circuit Judge.

---

Reversed and remanded by unpublished per curiam opinion. Judge Rushing dissents.

---

Nijel Ramsey Lee, Appellant Pro Se. Bettina Jimille Roberts, NORTH CAROLINA  
DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for Appellees.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Nijel Ramsey Lee appeals the district court's order dismissing without prejudice his 42 U.S.C. § 1983 complaint. We have reviewed the record and conclude that the district court erred in dismissing the action for failure to exhaust administrative remedies. Accordingly, we reverse the district court's order and remand for consideration on the merits, expressing no view on the ultimate disposition of Lee's claims. We deny Lee's motions for appointment of counsel without prejudice to allow a new motion to appoint counsel in the district court. 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.

*REVERSED AND REMANDED*\*

---

\* Judge Rushing dissents.