

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1054

ZARA ELLIS SADLER, PhD,

Plaintiff - Appellant,

versus

BARBARA CLAIRE TILLEY, PhD,

Defendant - Appellee.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. David C. Norton, District Judge.
(2:05-cv-03234-DCN)

Submitted: March 29, 2006

Decided: April 11, 2006

Before LUTTIG, TRAXLER, and GREGORY, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

Zara Ellis Sadler, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Zara Ellis Sadler appeals the district court's order denying relief on her complaint pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e - 2000e-17 (2000), and denying her motion to amend her complaint. After a thorough review of the record, we conclude that the district court should have permitted Sadler to amend her complaint as a matter of right under Federal Rule of Civil Procedure 15(a) because no responsive pleading had been filed. Thus, even though Sadler sought leave to amend, she actually did not need to do so. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1068 n.1 (4th Cir. 1993); Smith v. Blackledge, 451 F.2d 1201, 1202-03 (4th Cir. 1971). We therefore vacate the district court's order dismissing Sadler's action and denying Sadler's motion to amend her complaint, and we remand the case for further proceedings consistent with this opinion. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

VACATED AND REMANDED