

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-2428

CHARMAINE L. ANDERSON,

Plaintiff - Appellant,

v.

GREGORY JACKO, Commissioner, U.S. Nuclear Regulatory
Commission,

Defendant - Appellee.

Appeal from the United States District Court for the District of
Maryland, at Greenbelt. J. Frederick Motz, Senior District
Judge. (8:11-cv-01370-JFM)

Submitted: May 31, 2012

Decided: September 28, 2012

Before KING, DUNCAN, and DIAZ, Circuit Judges.

Remanded by unpublished per curiam opinion.

Charmaine L. Anderson, Appellant Pro Se. Joseph Ronald Baldwin,
OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charmaine L. Anderson appeals from the district court's orders dismissing her complaint and denying her "Motion to Not Dismiss" as moot since it was filed after judgment was entered in the case. After reviewing the record, we conclude that Anderson's "Motion to Not Dismiss" should have been liberally construed as a Fed. R. Civ. P. 59(e) motion to alter or amend. Accordingly, we remand for reconsideration of Anderson's Rule 59(e) motion, so construed. On remand, the district court may evaluate whether Anderson's July 28, 2006 letter, submitted within an attachment to her Motion, justifies setting aside the underlying dismissal order insofar as it alleges that her supervisor's secretary would sabotage her work and that of "several other Black secretaries." 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.

REMANDED