

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6748

AKIL RASHIDI BEY, ex rel. Aikido Graves,

Plaintiff - Appellant,

v.

COMMONWEALTH OF VIRGINIA; PRINCE WILLIAM COUNTY; PRINCE WILLIAM COUNTY ADULT DETENTION CENTER; JANE DOE 1, Correctional Officers/Sheriffs in their official and individual capacity; JOHN DOE 1, Correctional Officers/Sheriffs in their official and individual capacity; JOHN DOE 2, Correctional Officers/Sheriffs in their official and individual capacity; JOHN DOE 3, Correctional Officers/Sheriffs in their official and individual capacity; RAY PEREZ, Chaplin, in his official and individual capacity,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T. S. Ellis, III, Senior District Judge. (1:13-cv-00102-TSE-TRJ)

Submitted: October 22, 2013 Decided: November 15, 2013

Before NIEMEYER, WYNN, and FLOYD, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

Akil Rashidi Bey, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Akil Rashidi Bey appeals the district court's order dismissing without prejudice his 42 U.S.C. § 1983 (2006) complaint for failure to comply with a court order to file an amended complaint. We vacate the district court's order and remand for further proceedings.

A district court may dismiss an action based on a plaintiff's failure to comply with any order. Fed. R. Civ. P. 41(b). Where a litigant has ignored an express warning that noncompliance with a court order will result in dismissal, the district court should dismiss the case. Ballard v. Carlson, 882 F.2d 93, 95-96 (4th Cir. 1989). This court reviews a decision to dismiss under Rule 41(b) for abuse of discretion. Id. at 95. We have reviewed the district court's orders and conclude that they do not explicitly order Bey to file an amended complaint. Thus, the district court's dismissal was an abuse of discretion.

Accordingly, we grant leave to proceed in forma pauperis, vacate the dismissal order of the district court, and remand the action for further proceedings. We deny Bey's motions for bail pending release and to amend claims and evidence. 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