

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-7428**

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FRANKIE JAE LORDMASTER, f/k/a Jason Robert Goldader,

Plaintiff - Appellant,

v.

SUSSEX II STATE PRISON; WARDEN VARGO, Chief Warden; J. DOE #1, VDOC: Health Service Contractor Administrator; J. DOE #2, Medical Director; J. DOE #3, Corizon Medical Department; J. DOE #4, Nurse (Responsible); J. DOE #5, Doctor (Responsible),

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Senior District Judge. (1:14-cv-00507-JCC-TRJ)

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Submitted: January 28, 2015 Decided: February 4, 2015

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Before MOTZ, WYNN, and THACKER, Circuit Judges.

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Vacated and remanded by unpublished per curiam opinion.

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Frankie Jae LordMaster, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Frankie Jae LordMaster appeals the district court's order dismissing his 42 U.S.C. § 1983 (2012) complaint without prejudice for failure to comply with its prior order. See Fed. R. Civ. P. 41(b). We review the district court's order for abuse of discretion. Ballard v. Carlson, 882 F.2d 93, 95-96 (4th Cir. 1989). "A court abuses its discretion if its decision is guided by erroneous legal principles or rests upon a clearly erroneous factual finding." United States v. McLean, 715 F.3d 129, 142 (4th Cir. 2013) (internal quotation marks omitted).

The district court dismissed LordMaster's complaint because it found that LordMaster had not filed an amended complaint, as the court had instructed him to do. On appeal, LordMaster is emphatic that he filed an amended complaint and submits that it is the paper the court docketed as "Documents" at PACER entry number fourteen. We agree that the filing at entry number fourteen is LordMaster's attempt at an amended complaint.\* While the district court may yet determine that the amended complaint does not meet its specifications, we conclude that the district court relied "upon a clearly erroneous factual

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\* LordMaster did not file this document on the § 1983 complaint form. We note that in its June 17, 2014 order, the district court did not direct the clerk to provide LordMaster a new copy of that form.

finding" when dismissing the complaint. Id. (internal quotation marks omitted). 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