UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-6884

EMMANUEL SLOAN,

Plaintiff - Appellant,

v.

PETTIWAY, LT.; MCNEIL, LT.; HARGROVE, LT.; CROCK, Sgt.; MARSH, Sgt.; WHITAKER, Sgt.; LUAFORD, Corporal; TRENT, Nurse,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, Senior District Judge. (3:17-cv-00321-REP-RCY)

Submitted: October 17, 2017 Decided: October 20, 2017

Before FLOYD and HARRIS, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Vacated and remanded by unpublished per curiam opinion.

Emmanuel Sloan, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Emmanuel Sloan appeals the district court's order dismissing his 42 U.S.C. § 1983 (2012) action without prejudice for failure to comply with a court order. The district court dismissed the action upon finding that Sloan failed to provide the court with a current mailing address. We review for abuse of discretion a district court's dismissal for failure to comply with a court order. *See Ballard v. Carlson*, 882 F.2d 93, 95-96 (4th Cir. 1989). Our review of the record reveals that Sloan informed the district court of his new mailing address in a letter the district court received on May 30, 2017, more than three weeks before the district court dismissed the action. Because the record does not support the district court's rationale for dismissal, we conclude that the dismissal constituted an abuse of discretion.

Accordingly, we vacate the dismissal order and remand the case to the district court 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