

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6702

MELVIN DURANT,

Plaintiff - Appellant,

v.

DUSTIN PHILLIPS, Nurse Practitioner,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Beaufort.
Richard Mark Gergel, District Judge. (9:21-cv-00240-RMG)

Submitted: December 20, 2022

Decided: December 27, 2022

Before NIEMEYER and QUATTLEBAUM, Circuit Judges, and FLOYD, Senior Circuit
Judge.

Vacated and remanded by unpublished per curiam opinion.

Melvin Durant, Appellant Pro Se. Janet Brooks Holmes, Daniel Roy Settana, Jr., MCKAY
FIRM, PA, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Melvin Durant appeals the district court's order denying his Fed. R. Civ. P. 60(a) motion in which Durant argued that the district court had overlooked his previously filed Fed. R. Civ. P. 59(e) motion in his 42 U.S.C. § 1983 action. Our review of the record confirms that Durant filed a Rule 59(e) motion on January 26, 2022, which the district court has not yet considered. *Durant v. Phillips*, No. 9:21-cv-00240-RMG (D.S.C., PACER No. 45). Accordingly, we vacate the district court's order and remand so that the district court may consider Durant's pending Rule 59(e) motion. 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