

Neutral

As of: June 11, 2014 4:23 PM EDT

Asemani v. United States

United States Court of Appeals for the Fourth Circuit
June 26, 2008, Submitted; June 30, 2008, Decided
No. 08-1063

Reporter: 283 Fed. Appx. 160; 2008 U.S. App. LEXIS 13750

BILLY G. ASEMANI, Plaintiff - Appellant, v. UNITED STATES OF AMERICA, Defendant - Appellee.

Notice: PLEASE REFER TO FEDERAL RULES OF APPELLATE PROCEDURE RULE 32.1 GOVERNING THE CITATION TO UNPUBLISHED OPINIONS.

Subsequent History: Appeal after remand at [Asemani v. United States, 2009 U.S. App. LEXIS 8765 \(4th Cir. Md., Apr. 24, 2009\)](#)

Prior History: **[**1]** Appeal from the United States District Court for the District of Maryland, at Baltimore. Andre M. Davis, District Judge. (1:05-cv-02821-AMD).

Disposition: REMANDED.

Core Terms

district court, summary judgment motion, correspondence, notice

Counsel: Billy G. Asemani, Appellant, Pro se.

Ariana Wright Arnold, *Melanie Lisa Glickson*, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

Judges: Before KING and DUNCAN, Circuit Judges, and WILKINS, Senior Circuit Judge.

Opinion

[*160] PER CURIAM:

Billy Asemani seeks to appeal the district court's order granting the Government's motion for summary judgment in this Federal Tort Claims Act action. After the district court granted the Government's motion for summary judgment, Asemani filed a timely notice of appeal. He then directed correspondence to the district court contending that the court entered its order three days before Asemani's response to the Government was due pursuant to the court's notice under [Roseboro v. Garrison, 528 F.2d 309 \(4th Cir. 1975\)](#). The district court construed Asemani's correspondence as a motion pursuant to [Fed. R. Civ. P. 60\(b\)\(1\)](#) and issued an order indicating its inclination to grant Asemani's post-judgment motion. See [Fobian v. Storage Tech. Corp., 164 F.3d 887, 891 \(4th Cir. 1999\)](#). Accordingly, we remand for the **[**2]** limited purpose of permitting the district court to consider the merits of Asemani's response to the Government's motion for summary judgment. See [id. at 892](#). In so doing, we express no opinion on the merits of Asemani's claims. 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