

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 02-60673
Summary Calendar

GEORGE DUNBAR PREWITT, JR.,

Appellant.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:96-MC-1

February 5, 2003

Before JONES, STEWART and DENNIS, Circuit Judges.

PER CURIAM:*

George Dunbar Prewitt, Jr., appeals the district court's order denying his FED. R. CIV. P. 60(b)(4) motion challenging the magistrate judge's sua sponte order barring Prewitt from the third floor of the United States Courthouse and Federal Building in Greenville, Mississippi. The requirement that Rule 60(b) motions be brought within a reasonable time is not enforced with respect to motions under Rule 60(b)(4). See Carter v. Fenner, 136 F.3d 1000, 1006 (5th Cir. 1998).

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Accordingly, the district court erred in denying the motion on the ground that it was not filed with a reasonable time.

Although Prewitt could be barred from the courthouse for the reasons listed by the magistrate judge, Prewitt should have been provided with notice and an opportunity to respond. See B JOE Thomson, No. 02-20191 (5th Cir. Sept. 19, 2002) (unpublished). We vacate the district court's order and remand this matter with instructions that Prewitt be ordered by the district court to show cause why he should not be barred from the third floor of the courthouse in the future.

VACATE AND REMAND WITH INSTRUCTIONS.