

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 11-10188
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT AUG 4, 2011 JOHN LEY CLERK
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D.C. Docket Nos. 4:10-cv-00287-BAE-GRS
4:98-cr-00106-BAE-GRS-4

BRUCE BERNARD TOWNSEND,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Georgia

(August 4, 2011)

Before WILSON, PRYOR and BLACK, Circuit Judges.

PER CURIAM:

Bruce Townsend appeals pro se the dismissal of his motion to vacate. 28

U.S.C. § 2255. The district court dismissed Townsend's motion as successive, id.

§ 2244(b)(3), but the United States concedes that the district court had failed to notify Townsend before reclassifying an earlier pleading as a motion to vacate, as required by Castro v. United States, 540 U.S. 375, 124 S. Ct. 786 (2003).

Consequently, Townsend's motion to vacate is not successive. We **VACATE** the order dismissing Townsend's motion to vacate as successive, and we **REMAND** for further proceedings.

VACATED AND REMANDED.