

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7500

JUAN ANTONIO CONTRERAS,

Petitioner - Appellant,

v.

CHARLES RATLEDGE,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Dever III, Chief District Judge. (5:14-hc-02014-D)

Submitted: February 16, 2017

Decided: February 22, 2017

Before GREGORY, Chief Judge, DUNCAN, Circuit Judge, and HAMILTON, Senior Circuit Judge.

Remanded by unpublished per curiam opinion.

Juan Antonio Contreras, Appellant Pro Se. Jennifer P. May-Parker, Assistant United States Attorney, Seth Morgan Wood, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Juan Antonio Contreras, a federal prisoner, seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2241 (2012) petition. Parties in a civil action in which the United States or an officer or agency of the federal government is a party are accorded sixty days after the entry of the district court's final judgment or order to note an appeal. Fed. R. App. P. 4(a)(1)(B). "[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement." Bowles v. Russell, 551 U.S. 205, 214 (2007).

Because Contreras is incarcerated, the notice of appeal is considered filed on the date that he delivered it to prison officials for mailing to the court. Fed. R. App. P. 4(c)(1); Houston v. Lack, 487 U.S. 266, 276 (1988). The record does not conclusively establish when Contreras delivered the notice of appeal to prison officials for mailing. Accordingly, we remand this case for the limited purpose of allowing the district court to obtain this information from the parties and to determine whether Contreras timely filed his notice of appeal. The record, as supplemented, will then be returned to this court for further consideration.

REMANDED