

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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**No. 20-7059**

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MICHAEL JACKSON-EL,

Petitioner - Appellant,

v.

RICHARD DOVEY, Warden; BRIAN E. FROSH, The Attorney General of the State  
of Maryland,

Respondents - Appellees.

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Appeal from the United States District Court for the District of Maryland, at Baltimore.  
Richard D. Bennett, District Judge. (1:18-cv-03899-RDB)

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Submitted: November 19, 2020

Decided: November 24, 2020

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Before WILKINSON, KING, and QUATTLEBAUM, Circuit Judges.

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Remanded by unpublished per curiam opinion.

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Michael Jackson-El, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Jackson-El, a Maryland inmate, seeks to appeal the district court's order dismissing his 28 U.S.C. § 2254 petition. An inmate's notice of appeal is considered filed as of the date it was delivered to prison officials for mailing to the court. Fed. R. App. P. 4(c)(1)(A); *Houston v. Lack*, 487 U.S. 266, 276 (1988). Here, the record does not reveal conclusively when Jackson-El gave the notice of appeal to prison officials for mailing. The date on the notice of appeal indicates that Jackson-El handed his notice of appeal to prison officials for mailing within the appeal period, but a date stamp on the envelope that contained the notice of appeal indicates that prison officials received the notice shortly after expiration of the appeal period. We therefore remand the case for the limited purpose of allowing the district court to determine the date on which Jackson-El filed the notice of appeal under Rule 4(c)(1) and *Houston*. The record, as supplemented, will then be returned to this court for further consideration.

*REMANDED*