

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-7412

GEORGE ALLEN WARD,

Plaintiff - Appellant,

v.

APRIL EDWARDS, Deputy (MS); MARK L. BARRICK, Sheriff, Mathews County Sheriff Department; MATHEWS COUNTY, VIRGINIA; LIEUTENANT WILLIAM "BILL" RILEY, Former; DEPUTY GILBERT COONS; MIKE ROWE, The County of Mathews Virginia Board of Supervisors Chairman; AMY DUBOIS, Member; MELISSA MASON, Member; PAUL HUDGINS, Member; JACKIE INGRAM, Member,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Raymond A. Jackson, Senior District Judge. (2:19-cv-00526-RAJ-RJK)

Submitted: March 16, 2023

Decided: March 21, 2023

Before WILKINSON, AGEE, and HARRIS, Circuit Judges.

Remanded by unpublished per curiam opinion.

George Allen Ward, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

George Allen Ward seeks to appeal the district court's order dismissing his 42 U.S.C. § 1983 complaint. The district court entered its order on October 18, 2022. In civil cases, parties have 30 days after the entry of the district court's final judgment or order to note an appeal, Fed. R. App. P. 4(a)(1)(A), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6). “[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 Ward is incarcerated, the notice of appeal is considered filed as of the date it was properly delivered to prison officials for mailing to the court. Fed. R. App. P. 4(c)(1); *Houston v. Lack*, 487 U.S. 266, 267 (1988). The record does not conclusively establish that Ward provided his notice of appeal to prison officials for mailing on or before November 17, 2022. Accordingly, we remand the case for the limited purpose of allowing the district court to determine whether Ward timely noted an appeal under Rule 4(c)(1) and *Houston*. The record, as supplemented, will then be returned to this court for further consideration.

REMANDED