

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-6679**

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BRYANT ELLIOTT DAVIDSON,  
  
Plaintiff - Appellant,

v.

STATE OF MARYLAND; DEPARTMENT OF PUBLIC SAFETY AND  
CORRECTIONAL SERVICES,

Defendants - Appellees.

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Appeal from the United States District Court for the District of  
Maryland, at Baltimore. William D. Quarles, Jr., District  
Judge. (1:08-cv-00524-WDQ)

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Submitted: July 30, 2009

Decided: August 5, 2009

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Before MOTZ, KING, and DUNCAN, Circuit Judges.

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Remanded by unpublished per curiam opinion.

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Bryant Elliott Davidson, Appellant Pro Se. Stephanie Judith Lane  
Weber, OFFICE OF THE ATTORNEY GENERAL OF MARYLAND, Baltimore,  
Maryland, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bryant Elliott Davidson seeks to appeal the district court's order denying relief on his 42 U.S.C. § 1983 (2006) complaint. The notice of appeal was received in the district court shortly after expiration of the appeal period. Because Davidson is incarcerated, the notice 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 (1988). The record does not reveal when Davidson gave the notice of appeal to prison officials for mailing. Accordingly, we remand the case for the limited purpose of allowing the district court to obtain this information from the parties and to determine whether the filing was timely under Fed. R. App. P. 4(c)(1) and Houston v. Lack. The record, as supplemented, will then be returned to this court for further consideration.

REMANDED