

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6604

JOHN E. HARGROVE,

Plaintiff - Appellant,

v.

JACOB FULLER; NURSE ERIN; NURSE JESSICA; DR. JOE; KING, C/O;
DR. EDWARDS; DR. JAMES; MILLER, C/O,

Defendants - Appellees,

and

PRIME CARE MEDICAL INCORPORATED; EASTERN REGIONAL JAIL;
CHAD; RUDLOFF,

Defendants.

Appeal from the United States District Court for the Northern
District of West Virginia, at Clarksburg. Irene M. Keeley,
District Judge. (1:08-cv-00132-IMK-JSK)

Submitted: October 25, 2011

Decided: November 2, 2011

Before MOTZ, SHEDD, and DUNCAN, Circuit Judges.

Remanded by unpublished per curiam opinion.

John E. Hargrove, Appellant Pro Se. John Dorsey Hoffman,
FLAHERTY, SENSABAUGH & BONASSO, PLLC, Charleston, West Virginia;
Philip Cameron Petty, ROSE PADDEEN & PETTY, LC, Fairmont, West
Virginia; Chad Marlo Cardinal, Charleston, West Virginia;

Frederick W. Goundry, III, VARNER & GOUNDRY, Frederick,
Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John E. Hargrove seeks to appeal the district court's February 10, 2010 order dismissing without prejudice his 42 U.S.C. § 1983 (2006) action. We remanded the case "for the limited purpose of allowing the district court to obtain from the parties information regarding when Hargrove provided his notice of appeal to prison officials for mailing and to determine whether the filing was timely under [Fed. R. App. P.] 4(c)(1) and Houston v. Lack.[*]" Hargrove v. Fuller, 408 F. App'x 675, 675-76 (4th Cir. 2011). The district court ordered the parties to submit evidence regarding the timeliness of Hargrove's notice of appeal; each party responded. The district court then returned the supplemented record to us without making a timeliness determination in accordance with our prior opinion.

Accordingly, we remand the case to the district court for the limited purpose of allowing the district court to determine whether Hargrove's notice of appeal was timely. The record, as supplemented, will then be returned to this court for further consideration.

REMANDED

* 487 U.S. 266, 276 (1988).