

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-7600**

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JEFFREY MAURICE YOUNG-BEY,

Plaintiff - Appellant,

v.

DAVID R. BLUMBERG, Chairman; RUTH OGLE, Project Manager,

Defendants - Appellees.

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Appeal from the United States District Court for the District of Maryland, at Baltimore. J. Frederick Motz, Senior District Judge. (1:10-cv-02448-JFM)

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Submitted: July 30, 2012

Decided: August 20, 2012

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Before NIEMEYER, FLOYD, and THACKER, Circuit Judges.

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Remanded by unpublished per curiam opinion.

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Jeffrey Maurice Young-Bey, Appellant Pro Se. Susan Howe Baron, OFFICE OF THE ATTORNEY GENERAL OF MARYLAND, Pikesville, Maryland, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jeffrey Maurice Young-Bey seeks to appeal the district court's order denying relief on his 42 U.S.C. § 1983 (2006) complaint. The Appellees have filed a motion to dismiss the appeal, arguing that the notice of appeal, which was received in the district court shortly after expiration of the appeal period, was untimely. Because Young-Bey 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 parties' filings do not conclusively determine when Young-Bey 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 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