

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-7321**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SPENCER TYRONE WEBB, a/k/a Stanley Cooper, a/k/a Corey  
Cooper,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Newport News. Rebecca Beach Smith,  
Chief District Judge. (4:10-cr-00014-RBS-DEM-1)

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Submitted: December 16, 2014

Decided: December 19, 2014

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Before DUNCAN and DIAZ, Circuit Judges, and DAVIS, Senior  
Circuit Judge.

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Remanded by unpublished per curiam opinion.

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Spencer Tyrone Webb, Appellant Pro Se. Eric Matthew Hurt,  
Assistant United States Attorney, Newport News, Virginia, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Spencer Tyrone Webb seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 (2012) motion. Parties in a civil action in which the United States or an officer or agency of the federal government is a party are accorded sixty days after the entry of the district court's final judgment or order to note an appeal. Fed. R. App. P. 4(a)(1)(B). "[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 Webb is incarcerated, the notice of appeal is considered filed on 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, 276 (1988). The record does not conclusively reveal when Webb delivered 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