

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7547

JAMES C. PLATTS,

Petitioner - Appellant,

v.

TERRY O'BRIEN, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Northern
District of West Virginia, at Clarksburg. Irene M. Keeley,
District Judge. (1:13-cv-00257-IMK-RWT)

Submitted: December 16, 2014

Decided: December 19, 2014

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

Remanded by unpublished per curiam opinion.

James C. Platts, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James C. Platts, a federal prisoner, appeals the district court's order adopting the magistrate judge's amended recommendation and denying relief on his 28 U.S.C. § 2241 (2012) petition. 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 Platts 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 Platts 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