

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-2138

RICHARD MARTIN,

Plaintiff - Appellant,

v.

HOWARD J. WALSH, III, Esq.,

Defendant - Appellee.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. George J. Hazel, District Judge.
(8:15-cv-2302-GJH)

Submitted: February 4, 2016

Decided: March 29, 2016

Before GREGORY and FLOYD, Circuit Judges, and DAVIS, Senior Circuit Judge.

Remanded by unpublished per curiam opinion.

Richard Martin, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Richard Martin seeks to appeal the district court's order dismissing his civil action pursuant to 28 U.S.C. § 1915(e)(2) (2012). Parties to a civil action have 30 days following the entry of the district court's final order or judgment in which to file a notice of appeal. Fed. R. Civ. P. 4(a)(1)(A). However, the district court may extend the time to file a notice of appeal if a party moves for an extension of the appeal period within 30 days after the expiration of the original appeal period and demonstrates excusable neglect or good cause to warrant an extension. Fed. R. App. P. 4(a)(5); see Washington v. Bumgarner, 882 F.2d 899, 900-01 (4th Cir. 1989). "[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).

The district court's final judgment was entered on August 21, 2015. Martin filed a pleading construed as a notice of appeal on September 22, 2015, after the expiration of the 30-day appeal period but within the excusable neglect period. Martin's notice of appeal contained language that we liberally construe as a request for an extension of time to appeal. Accordingly, we remand this case to the district court for the limited purpose of determining whether Martin has demonstrated excusable neglect or good cause warranting an extension of the

30-day appeal period. The record, as supplemented, will then be returned to this court for further consideration.

We deny Martin's motions to seal and to compel.

REMANDED