

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-2376

MARK A. PANOWICZ,

Plaintiff - Appellant,

v.

SHARON L. HANCOCK, in individual capacity; SHARON L. HANCOCK, Clerk of the Circuit Court for Charles County (in official capacity),

Defendants - Appellees.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Deborah K. Chasanow, Senior District Judge. (8:11-cv-02417-DKC)

Submitted: April 21, 2016

Decided: May 12, 2016

Before WILKINSON, KING, and KEENAN, Circuit Judges.

Remanded by unpublished per curiam opinion.

Mark A. Panowicz, Appellant Pro Se. Hugh Scott Curtis, OFFICE OF THE ATTORNEY GENERAL OF MARYLAND, Michele J. McDonald, Assistant Attorney General, Baltimore, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mark A. Panowicz seeks to appeal the district court's order denying his motion for reconsideration and to reopen sovereign immunity issues. Parties are accorded 30 days after the entry of the district court's final judgment or order to note an appeal, Fed. R. App. P. 4(a)(1)(A), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5), or reopens the appeal period under Fed. R. App. P. 4(a)(6). However, if a party moves for an extension of time to appeal within 30 days after expiration of the original appeal period and demonstrates excusable neglect or good cause, a district court may extend the time to file a notice of appeal. Fed. R. App. P. 4(a)(5)(A); Washington v. Bumgarner, 882 F.2d 899, 900-01 (4th Cir. 1989).

The district court's order was entered on the docket on October 5, 2015. Panowicz filed his notice of appeal after the expiration of the 30-day appeal period but within the 30-day excusable neglect period. Because Panowicz's notice of appeal offered some excuse for his untimeliness, we construe it as a request for an extension of time accompanying his notice of appeal. Accordingly, we remand this case to the district court for the limited purpose of determining whether Panowicz 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.

REMANDED