

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-6076

KABIL ANTON DJENASEVIC,

Plaintiff - Appellant,

v.

UNITED STATES DEPARTMENT OF JUSTICE; UNITED STATES FEDERAL
BUREAU OF PRISONS; FEDERAL CORRECTIONAL INSTITUTION BECKLEY
HEALTH SERVICE DEPARTMENT; DR. HUGHES, DDS; UNITED STATES OF
AMERICA,

Defendants - Appellees.

Appeal from the United States District Court for the Southern
District of West Virginia, at Beckley. Irene C. Berger,
District Judge. (5:14-cv-14596)

Submitted: May 29, 2015

Decided: June 16, 2015

Before NIEMEYER, AGEE, and HARRIS, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

Kabil Anton Djenasevic, Appellant Pro Se. John Fulton Gianola,
Assistant United States Attorney, Charleston, West Virginia, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kabil Anton Djenasevic appeals the district court's order dismissing his complaint. The order noted that neither party had filed objections to the recommendation of the magistrate judge. Djenasevic also appeals the district court's order denying his Fed. R. Civ. P. 59(e) motion to alter or amend the judgment. The court concluded that Djenasevic's objections were processed by prison authorities one day after the objections were due and, therefore, were untimely.

Under the prison mailbox rule, the date an inmate delivers a legal document to prison officials for mailing to the clerk of court is considered the date of filing. Houston v. Lack, 487 U.S. 266, 276 (1988). Because the relevant inquiry is the date Djenasevic delivered his objections to prison officials for mailing, not the date on which prison officials processed the deposited mail, we vacate the district court's orders and remand for the district court to determine whether Djenasevic delivered his objections to prison officials for mailing on or before November 3, 2014. If the district court concludes that Djenasevic timely filed his objections, then the court also should review de novo the portions of the magistrate judge's recommendation to which Djenasevic specifically objected. We express no opinion on the ultimate disposition of Djenasevic's claims.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

VACATED AND REMANDED