

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-6457

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ARTHUR TRACY VICK,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (5:11-cr-00352-BR-1; 5:14-cv-00359-BR)

Submitted: August 27, 2015

Decided: August 31, 2015

Before GREGORY, AGEE, and THACKER, Circuit Judges.

Remanded by unpublished per curiam opinion.

Arthur Tracy Vick, Appellant Pro Se. Jennifer P. May-Parker, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Arthur Tracy Vick seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 (2012) motion. The notice of appeal and motion for a certificate of appealability were received in the district court after expiration of the appeal period. Because Vick is incarcerated, the notice of appeal is considered filed as of 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 (1988). The record does not reveal when Vick gave 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 Rule 4(c)(1) and Houston v. Lack. The record, as supplemented, will then be returned to this court for further consideration.

REMANDED