

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-6689

JESSE M. JAMES,

Plaintiff - Appellant,

v.

SHERIFF BARRY FAILE; MRS. DEBORAH HORNE,

Defendants - Appellees,

and

LANCASTER COUNTY DETENTION CENTER, in Lancaster, SC,

Defendant.

Appeal from the United States District Court for the District of South Carolina, at Aiken. David C. Norton, District Judge. (1:13-cv-00211-DCN)

Submitted: July 21, 2015

Decided: July 24, 2015

Before WILKINSON and MOTZ, Circuit Judges, and DAVIS, Senior Circuit Judge.

Remanded by unpublished per curiam opinion.

Jesse M. James, Appellant Pro Se. David Allan DeMasters, DAVIDSON & LINDEMANN, PA, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jesse M. James seeks to appeal the district court's order adopting the magistrate judge's recommendation denying relief on his 42 U.S.C. § 1983 (2012) complaint.

In a civil case in which the United States or its officer or agency is not a party, parties have 30 days following the entry of the district court's final judgment or order in which to file a notice of appeal. Fed. R. App. P. 4(a)(1)(A). The timely filing of a notice of appeal is a jurisdictional requirement. Bowles v. Russell, 551 U.S. 205, 214 (2007). However, if a party moves for an extension of time to appeal within thirty 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).

James' notice of appeal was received in the district court after the expiration of the 30-day appeal period but within the 30-day excusable neglect period. Further, the notice of appeal arguably reflects a request for an extension of the 30-day appeal period.

Accordingly, we remand the case for the limited purpose of enabling the district court to determine whether James adequately requested such an extension and whether he has shown excusable neglect or good cause warranting an extension of the appeal period.

The record, as supplemented, will then be returned to this court for further consideration.

REMANDED