

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-7514

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL FREDDIE DAVIS,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. William L. Osteen, Jr., Chief District Judge. (1:07-cr-00320-WO-1; 1:12-cv-00341-WO-JEP)

Submitted: February 2, 2016

Decided: February 9, 2016

Before WILKINSON, MOTZ, and KING, Circuit Judges.

Remanded by unpublished per curiam opinion.

Michael Freddie Davis, Appellant Pro Se. Michael Francis Joseph, Angela Hewlett Miller, Assistant United States Attorneys, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Freddie Davis seeks to appeal the district court's judgment accepting the recommendation of the magistrate judge and granting Respondent's motion to dismiss Davis' 28 U.S.C. § 2255 (2012) motion. The district court has requested that this case be remanded so that the district court may consider Davis' timely filed, but belatedly received, request for an extension of time to file objections to the report and recommendation. The district court would then consider any of Davis' timely filed objections. We grant the district court's request and remand for that purpose. See Fobian v. Storage Tech. Corp., 164 F.3d 887 (4th Cir. 1999). After the district court issues its order, if still dissatisfied Davis may appeal that determination to this court. 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.

REMANDED