

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-7680

PAUL CLEVELAND THOMPSON, JR.,

Plaintiff - Appellant,

v.

COMMONWEALTH OF VIRGINIA; CAPTAIN DOLAN; LT. R. THOMPSON;
GRIEVANCE COORDINATOR SEAY; BLACKWELL; WARE; LEWIS;
BASKERVILLE; JENNINGS; WHITE; CORRECTIONAL OFFICER COOPER;
CORRECTIONAL OFFICER DIMING; VIRGINIA DEPARTMENT OF
CORRECTIONS, sued in their official and individual capacities,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Norfolk. Rebecca Beach Smith, Chief
District Judge. (2:12-cv-00209-RBS-TEM)

Submitted: April 27, 2016

Decided: May 2, 2016

Before GREGORY, DIAZ, and THACKER, Circuit Judges.

Remanded by unpublished per curiam opinion.

Paul Cleveland Thompson, Jr., Appellant Pro Se. Kate Elizabeth
Dwyre, U.S. PAROLE COMMISSION, Washington, D.C.; Richard Carson
Vorhis, Senior Assistant Attorney General, Richmond, Virginia, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Paul Cleveland Thompson, Jr., seeks to appeal the district court's order denying relief on his 42 U.S.C. § 1983 (2012) complaint. Thompson filed a Fed. R. Civ. P. 59 motion that the district court received shortly after expiration of the period for timely filing such a motion. See Fed. R. Civ. P. 59(b), (e). If timely filed, Thompson's Rule 59 motion extended the 30-day period in which to appeal the district court's order. Fed. R. App. P. 4(a)(4)(A)(iv), (v). Because Thompson is incarcerated, his motion is considered filed as of the date it was properly delivered to prison officials for mailing to the court. See Houston v. Lack, 487 U.S. 266 (1988). The record does not reveal when Thompson gave the motion 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 Houston v. Lack. The record, as supplemented, will then be returned to this court for further consideration.

REMANDED