UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-7990

MARION LAMONT SHERROD,

Plaintiff - Appellant,

v.

LAWRENCE PARSONS; JEFFREY WALL; KIERNAN SHANAHAN; K. GOODWIN, Correctional Officer,

Defendants - Appellees.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Frank D. Whitney, Chief District Judge. (3:15-cv-00068-FDW)

Submitted: May 31, 2016 Decided: July 26, 2016

Before SHEDD, DIAZ, and HARRIS, Circuit Judges.

Remanded by unpublished per curiam opinion.

Marion Lamont Sherrod, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Marion Lamont Sherrod seeks to appeal the district court's orders, filed on June 1 and June 22, 2015, dismissing his 42 U.S.C. § 1983 (2012) action and denying his motion to reconsider. Although the docketed notice of appeal was received well outside the expiration of the appeal period, Sherrod indicates that he previously delivered his notice of appeal to prison officials on July 12, 2015, within the 30-day appeal period. Fed. R. App. P. 4(a)(1)(A). Because Sherrod is incarcerated, the notice 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 conclusively reveal when Sherrod delivered 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 Fed. R. App. P. 4(c)(1) and Houston v. Lack. The record, as supplemented, will then be returned to this court for further consideration.

REMANDED