

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6469

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CLEVE ALEXANDER JOHNSON, a/k/a Cuz,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Thomas D. Schroeder, District Judge. (1:08-cr-00233-TDS-1; 1:12-cv-00571-TDS-JLW)

Submitted: October 20, 2016

Decided: November 7, 2016

Before NIEMEYER, KEENAN, and WYNN, Circuit Judges.

Remanded by unpublished per curiam opinion.

Harvey Alexander Carpenter, IV, LAW OFFICES OF H.A. CARPENTER IV, Greensboro, North Carolina, for Appellant. Joan Brodish Childs, Sandra Jane Hairston, Robert Michael Hamilton, Angela Hewlett Miller, Assistant United States Attorneys, Randall Stuart Galyon, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Cleve Alexander Johnson seeks to appeal the district court's order adopting the report and recommendation of the magistrate judge and denying Johnson's 28 U.S.C. § 2255 (2012) motion. The notice of appeal was received in the district court after expiration of the appeal period. However, Johnson claims that he did not receive notice of the district court's final order in a timely manner. Accordingly, we remand the case for the limited purpose of allowing the district court to determine whether the time for filing a notice of appeal should be reopened under Fed. R. App. P. 4(a)(6). The record, as supplemented, will then be returned to this court for further consideration.

REMANDED