

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6948

DANIEL THOMAS LANAHAN,

Plaintiff - Appellant,

v.

CLIFTON T. PERKINS HOSPITAL CENTER; DR. KHLID EL SAYED; DR.
KOWAN; DR. HELSEL,

Defendants - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. J. Frederick Motz, Senior District
Judge. (1:15-cv-02512-JFM)

Submitted: August 25, 2016

Decided: August 30, 2016

Before NIEMEYER, DIAZ, and FLOYD, Circuit Judges.

Remanded by unpublished per curiam opinion.

Daniel Thomas Lanahan, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Daniel Thomas Lanahan seeks to appeal the district court's order dismissing his 28 U.S.C. § 2241 (2012) petition* without prejudice for lack of exhaustion. The notice of appeal was received in the district court after expiration of the appeal period. Because Lanahan is confined in a Maryland institution responsible for evaluating the competency of criminal defendants to stand trial, his notice of appeal is considered filed as of the date it was deposited in the institution's internal mailing system. See Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266, 276 (1988); Jones v. Blanas, 393 F.3d 918, 926-27 (9th Cir. 2004) (explaining that the mailbox rule embodied in Rule 4(c) "applies broadly to any inmate confined in an institution" and that there are "no express limitation[s] of the rule's application to prisoners, or to penal institutions" (internal quotation marks omitted)). The record does not reveal when Lanahan gave his notice of appeal to institution 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). The record, as

* The district court construed Lanahan's civil complaint as seeking relief under 28 U.S.C. § 2241.

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

REMANDED