

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-6312

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTONIO R. HALL, a/k/a Mack,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore.
Richard D. Bennett, District Judge. (1:10-cr-00744-RDB-1; 1:14-cv-01693-RDB)

Submitted: August 31, 2017

Decided: September 18, 2017

Before MOTZ, DUNCAN, and WYNN, Circuit Judges.

Remanded by unpublished per curiam opinion.

Antonio R. Hall, Appellant Pro Se. John Francis Purcell, Jr., Assistant United States
Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Antonio R. Hall seeks to appeal the district court's order denying his 28 U.S.C. § 2255 (2012) motion. Although the docketed notice of appeal was received after the expiration of the appeal period, Hall asserts that he previously delivered his original notice of appeal to prison officials for mailing on January 20, 2017, within the 60-day appeal period. Fed. R. App. P. 4(a)(1)(B). Because Hall 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 establish that Hall in fact provided a notice of appeal to prison officials for mailing on January 20, 2017. Accordingly, we remand the case for the limited purpose of allowing the district court to make this finding and to determine whether Hall timely filed his notice of appeal 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