

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 19-6905**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BRUCE GREGORY HARRISON, III,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Thomas D. Schroeder, Chief District Judge. (1:10-cr-00411-TDS-1; 1:15-cv-01101-TDS-LPA)

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Submitted: March 10, 2020

Decided: March 12, 2020

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Before NIEMEYER and AGEE, Circuit Judges, and SHEDD, Senior Circuit Judge.

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Remanded by unpublished per curiam opinion.

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Bruce Gregory Harrison, III, Appellant Pro Se. Yael Tuvia Epstein, Alexander Patrick Robbins, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bruce Gregory Harrison, III, seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying his 28 U.S.C. § 2255 (2018) motion. After the district court entered its judgment on March 25, 2019, Harrison had 60 days to file a notice of appeal. Fed. R. App. P. 4(a)(1)(B). The timely filing of a notice of appeal is a jurisdictional requirement. *Bowles v. Russell*, 551 U.S. 205, 214 (2007). However, a district court may extend the time to file a notice of appeal if a party moves for an extension within 30 days after the expiration of the appeal period and shows excusable neglect or good cause to warrant an extension. *See* Fed. R. App. 4(a)(5); *Washington v. Bumgarner*, 882 F.2d 899, 900-01 (4th Cir. 1989).

Harrison filed his notice of appeal on June 17, 2019, *see Houston v. Lack*, 487 U.S. 266, 276 (1988) (stating prison mailbox rule), beyond the expiration of the appeal period but within the 30-day excusable neglect period. In his notice, Harrison requested an extension of time for good cause. Accordingly, we remand this case to the district court for the limited purpose of determining whether Harrison has shown excusable neglect or good cause to warrant an extension of his 60-day appeal period. The record, as supplemented, will then be returned to this court for further consideration.

*REMANDED*