

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 20-1930**

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ERIK B. CHERDAK,

Plaintiff - Appellant,

v.

SEAN L. MCKIRDY; ROBERT NUTINI,

Defendants - Appellees.

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Appeal from the United States District Court for the District of Maryland, at Greenbelt.  
Theodore D. Chuang, District Judge. (8:19-cv-01246-TDC)

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Submitted: February 23, 2021

Decided: February 25, 2021

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Before MOTZ, KEENAN, and HARRIS, Circuit Judges.

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Remanded by unpublished per curiam opinion.

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Erik B. Cherdak, Appellant Pro Se. Morgan William Fisher, LAW OFFICES OF  
MORGAN FISHER LLC, Annapolis, Maryland, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Erik B. Cherdak seeks to appeal the district court's order dismissing his complaint. Appellees have filed a motion to dismiss the appeal as untimely. The district court received the notice of appeal shortly after expiration of the appeal period. Cherdak concedes that his notice of appeal was not filed within the 30-day appeal period, *see* Fed. R. App. P. 4(a)(1)(A), but contends that this failure should be excused because the courthouse was closed to the general public and he was isolating after being exposed to an individual with COVID-19 and experiencing symptoms of the disease. Accordingly, we remand this case for the limited purpose of allowing the district court to determine the credibility of these contentions and if the appeal period should be reopened or extended. The record, as supplemented, will then be returned to this court for further consideration. We further deny Cherdak's motion to strike the motion to dismiss.

*REMANDED*