

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-6088

MILLANYO WOODY,

Petitioner - Appellant,

v.

TUCKER, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Sherri A. Lydon, District Judge. (2:19-cv-00785-SAL)

Submitted: April 22, 2021

Decided: April 27, 2021

Before GREGORY, Chief Judge, AGEE, Circuit Judge, and TRAXLER, Senior Circuit Judge.

Remanded by unpublished per curiam opinion.

Millanyo Woody, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Millanyo Woody seeks to appeal the district court's June 19, 2020, order denying relief on Woody's 28 U.S.C. § 2254 petition but granting a certificate of appealability on one of his ineffective assistance of counsel claims. On October 6, 2020, Woody moved for an extension of time to reopen the appeal period under Fed. R. App. P. 4(a)(6). The district court did not rule on this motion and, on December 20, 2020,* Woody noted an appeal. We remand the case for the limited purpose of allowing the district court to rule on Woody's Rule 4(a)(6) motion to reopen the appeal period. The record, as supplemented, will then be returned to this court for further consideration.

REMANDED

* For the purpose of this appeal, we assume that the date appearing on the notice of appeal is the earliest date Woody could have delivered the notice to prison officials for mailing. Fed. R. App. P. 4(c)(1); *Houston v. Lack*, 487 U.S. 266, 276 (1988).