

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6034

RANDY GOLDEN,

Plaintiff - Appellant,

v.

GREGORY WERNER, Acting Warden; JEREMY M. CRITES, Correctional Officer; JEFF NINES; RICHARD S. RODERICK; SUSAN M. JOHNSON; INTERESTED PARTY.

Defendants - Appellees,

OFFICE OF THE ATTORNEY GENERAL,

Party-in-Interest - Appellee.

Appeal from the United States District Court for the District of Maryland, at Baltimore.
Richard D. Bennett, Senior District Judge. (1:20-cv-02480-RDB)

Submitted: October 31, 2022

Decided: November 17, 2023

Before WYNN and QUATTLEBAUM, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Remanded by unpublished per curiam opinion.

Randy Golden, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Randy Golden seeks to appeal the district court's order granting summary judgment to Defendants in this action filed pursuant to 42 U.S.C. § 1983. Parties to a civil action are accorded 30 days after the entry of the district court's final judgment or order to note an appeal. Fed. R. App. P. 4(a)(1)(A). However, the district court may extend the time to file a notice of appeal if a party moves for an extension of the appeal period within 30 days after the expiration of the original appeal period and demonstrates excusable neglect or good cause to warrant an extension. Fed. R. App. P. 4(a)(5); *see Washington v. Bumgarner*, 882 F.2d 899, 900-01 (4th Cir. 1989). “[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement.” *Bowles v. Russell*, 551 U.S. 205, 214 (2007).

The district court's final judgment was entered on the docket on November 17, 2021. Golden's notice of appeal, dated December 21, 2021, was filed on January 5, 2022, after the expiration of the 30-day appeal period but within the excusable neglect period. Golden's notice of appeal contained language that we liberally construe as a request for an extension of time to appeal. Accordingly, we remand this case to the district court for the limited purpose of determining whether Golden has demonstrated excusable neglect or good cause warranting an extension of the 30-day appeal period. The record, as supplemented, will then be returned to this court for further consideration.

REMANDED