

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-7096

LAWRENCE L. CRAWFORD, a/k/a Jonah The Tishbite, a/k/a Gabriel Jahjah T.
Tishbite, a/k/a, John Gabriel Jahjah Tishbite,

Movant - Appellant,

and

RON SANTA MCCRAY,

Petitioner,

v.

WARDEN OF LIEBER CORRECTIONAL INSTITUTION,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Aiken.
Terry L. Wooten, Senior District Judge; Shiva Vafai Hodges, Magistrate Judge. (1:22-cv-
01204-TLW-SVH)

Submitted: April 20, 2023

Decided: April 24, 2023

Before KING and QUATTLEBAUM, Circuit Judges, and FLOYD, Senior Circuit Judge.

Remanded by unpublished per curiam opinion.

Lawrence Crawford, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lawrence L. Crawford seeks to appeal the magistrate judge's order denying his motion to intervene in the underlying habeas action and he has filed a motion to supplement the appeal. The magistrate judge entered the dismissal order on May 6, 2022. Affording Crawford the benefit of Fed. R. App. P. 4(c) and *Houston v. Lack*, 487 U.S. 266 (1988), the earliest date his notice of appeal may be deemed filed is September 14, 2022, beyond both the 30-day appeal period under Fed. R. App. P. 4(a)(1)(A), and the 30-day excusable neglect period allowed under Fed. R. App. P. 4(a)(5). See *Shah v. Hutto*, 722 F.2d 1167, 1168-69 (4th Cir. 1983).

However, because Crawford's notice of appeal suggests that Crawford did not timely receive notice of the denial of his motion to intervene, we construe the notice of appeal as a motion to reopen the appeal period under Fed. R. App. P. 4(a)(6), compare *United States v. Feuver*, 236 F.3d 725, 729 & n.7 (D.C. Cir. 2001), and remand this case to the district court for the limited purpose of determining whether Crawford can satisfy the requirements for reopening set forth in Rule 4(a)(6).^{*} The record, as supplemented, will then be returned to this court for further consideration. We defer action on Crawford's motion to supplement.

REMANDED

^{*} We express no opinion as to whether Crawford is entitled to a reopening of the appeal period and leave that determination to the district court in the first instance.