

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 15-40733
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 29, 2017

Lyle W. Cayce
Clerk

TRAVIS HUNTER BLANK,

Plaintiff-Appellant

v.

COLLIN COUNTY; TERRY BOX; RANDY CLARK; VICTOR HUTCHINSON;
JOHN FERRELL; SHAWNA KING; CORRECTIONAL HEALTHCARE
MANAGEMENT,

Defendants-Appellees

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:13-CV-519

Before DAVIS, SOUTHWICK, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Travis Hunter Blank, federal prisoner # 16486-078, appeals the dismissal of his complaint under 42 U.S.C. § 1983. Blank had 30 days from the entry of the March 30, 2015, judgment to file a timely notice of appeal. *See* FED. R. APP. P. 4(a)(1)(A). Blank's pro se notice of appeal, deemed filed on May

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 15-40733

14, 2015, the date he certified that he placed it in the prison mail system, is untimely. *See id.*; *Spotville v. Cain*, 149 F.3d 374, 378 (5th Cir. 1998).

A district court may grant a defendant an additional 30 days in which to file a notice of appeal upon a showing of excusable neglect or good cause. *See* FED. R. APP. P. 4(a)(5). Blank's notice of appeal, which was filed within this additional 30-day period, sufficed as a motion under Rule 4(a)(5). *See United States v. Golding*, 739 F.2d 183, 184 (5th Cir. 1984). Accordingly, Blank's appeal is held in abeyance, and the case is REMANDED to the district court for the limited purpose of issuing a ruling under Rule 4(a)(5). Upon ruling, the district court shall promptly return the case to this court for dismissal or further proceedings, as may be appropriate.