

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

DONALD FRANK SMITH,

Plaintiff,

v.

**DEPARTMENT OF CORRECTIONS
VALDOSTA STATE PRISON, et al.,**

Defendants.

Civil Action No. 7:12-CV-23 (HL)

ORDER

The United States Court of Appeals for the Eleventh Circuit has remanded this case for the limited purpose of determining when two events occurred: the date on which Plaintiff received notice of this Court's order of January 18, 2013 (Doc. 36) denying, *inter alia*, his Rule 60 motion and the date on which he initially provided his Rule 60 motion (Doc. 30) to prison authorities for mailing.

Based on information provided to the Court by counsel for Defendants, it appears that Plaintiff received notice of this Court's order denying his Rule 60 motion on March 7, 2013. Therefore, this Court determines that, under Federal Rule of Appellate Procedure 4, Plaintiff merits an extension of the appeal period from the order denying his Rule 60 motion.

Furthermore, also based on information provided by counsel for Defendants, this Court determines that Plaintiff delivered his Rule 60 motion to prison authorities for mailing on December 16, 2012.

The Clerk of Court is directed to return the record, as supplemented, to the Eleventh Circuit for further proceedings.

SO ORDERED, this the 22nd day of January, 2014.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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