

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

This 13<sup>th</sup> day of September 2010.

**DION A. THOMPSON,**

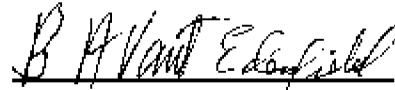
**Petitioner,**

**v.**

**4:09-cv-144**

**DANNIE THOMPSON, Warden,  
THE ATTORNEY GENERAL OF THE  
STATE OF GEORGIA**

**Respondents.**



**B. AVANT EDENFIELD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA**

**ORDER**

The Court of Appeals has remanded this case to the Court, *sua sponte*, “for the limited purpose of determining when Dion A. Thompson’s notice of appeal ... was delivered to prison officials for forwarding to the district court.” Apparently, Petitioner dated his notice of appeal April 18, 2010 – exactly one day before the order and judgment he wishes to appeal were entered.

Regardless of the date it carries, notice of appeal is considered “filed with the district court” under Fed. R. App. P. 4(a)(1) “at the time [a] petitioner deliver[s] it to ... prison authorities for forwarding to the court clerk.” *Houston v. Lack*, 487 U.S. 266, 276 (1988). Respondents are therefore ordered to present the Court with a copy of the prison log or other available evidence that sets forth the date on which Petitioner delivered his notice of appeal to prison officials for forwarding.