Johnson v. Outlaw et al

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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI GREENVILLE DIVISION

DEXTER JOHNSON,

PETITIONER

Doc. 17

v.

No. 4:17CV117-DMB-JMV

WARDEN TIMOTHY OUTLAW, ET AL.

RESPONDENTS

ORDER FOR PETITIONER TO PROVIDE DOCUMENTATION REGARDING WHEN HE PRESENTED HIS NOTICE OF APPEAL TO PRISON OFFICIALS FOR MAILING

This matter comes before the court on remand from the Fifth Circuit Court of Appeals for a determination of the timeliness of the petitioner's Notice of Appeal. The final day for the petitioner to file a timely Notice of Appeal was December 30, 2020. His *pro se* Notice of Appeal is dated December 14, 2020, but it is stamped filed on January 8, 2021. A prisoner's pro se notice of appeal is timely filed if deposited in the institution's internal mail system on or before the last day for filing. *See* Fed. R. App. P. 4(c)(1).

The petitioner is **ORDERED** to file with the court documentation regarding the date he presented his Notice of Appeal to prison officials for mailing. The deadline for filing such documentation is 21 days from the date of this order.

SO ORDERED, this, the 9th day of March, 2021.

/s/ Jane M. Virden

UNITED STATES MAGISTRATE JUDGE