

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

Fred R. Halcomb, Jr., )  
)  
Petitioner, )  
)  
vs. )  
)  
Warden Truitt, )  
)  
Respondent. )  
\_\_\_\_\_ )

Case No.: 8:22-cv-1877-JD-JDA

**ORDER AND OPINION**

This matter is before the Court on limited remand from the United States Court of Appeals for the Fourth Circuit. Specifically, the Fourth Circuit requested that the Court determine whether Petitioner timely noted an appeal under Rule 4(c)(1) and *Houston v. Lack*, 487 U.S. 266 (1988)(the notice is considered filed as of the date it was properly delivered to prison officials for mailing to the court). *See* Fed. R. App. P. 4(c)(1). The Court concludes that Petitioner’s notice of appeal satisfies Rule 4(a)’s requirements as it was received by the prison mail room before his time to file a notice of appeal elapsed.

**IT IS SO ORDERED.**



\_\_\_\_\_  
Joseph Dawson, III  
United States District Judge

Florence, South Carolina  
April 24, 2024

**NOTICE OF RIGHT TO APPEAL**

Petitioner is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.