

UNPUBLISHED**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 24-6826

ROY SYLVESTER HUNT, JR.,

Plaintiff - Appellant,

v.

P. MCCABE, Registered Nurse,

Defendant - Appellee,

and

ARMOR HEALTHCARE PROVIDER; LIEUTENANT CUNDIFF; UNIT MANAGER GILBERTSON; J. GILLUS, Food Service Assistant Director; R. HALOM, Medical Secretary; ASSISTANT WARDEN JERRY; PROCICE, Registered Nurse; SERGEANT SUMMerville; LIEUTENANT WHITEHEAD,

Defendants.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. M. Hannah Lauck, District Judge. (3:21-cv-00539-MHL-MRC)

Submitted: December 5, 2024

Decided: December 10, 2024

Before GREGORY and RICHARDSON, Circuit Judges, and FLOYD, Senior Circuit Judge.

Remanded by unpublished per curiam opinion.

Roy Sylvester Hunt, Jr., Appellant Pro Se. Maurice Scott Fisher, Jr., Leanna Catherine Minix, HARMAN CLAYTOR CORRIGAN & WELLMAN, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Roy Sylvester Hunt, Jr., seeks to appeal the district court's final order granting Defendant's motion for summary judgment and dismissing Hunt's 42 U.S.C. § 1983 action. The district court received the notice of appeal after the appeal period expired on August 2, 2024. Because Hunt is incarcerated, the notice is considered filed as of the date it was delivered to prison officials for mailing to the court. Fed. R. App. P. 4(c)(1); *Houston v. Lack*, 487 U.S. 266, 276 (1988). The record does not reveal when Hunt gave the notice of appeal to prison officials for mailing. Accordingly, we remand this case for the limited purpose of allowing the district court to obtain this information from the parties and to determine whether the filing was timely under Rule 4(c)(1) and *Houston*. The record, as supplemented, will then be returned to this court for further consideration.

REMANDED