

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-7085

ANDREW JOSEPH DICKS,

Petitioner - Appellant,

v.

RONALD S. WEBER, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the District of Maryland, at Baltimore.
Lydia Kay Griggsby, District Judge. (1:24-cv-02219-LKG)

Submitted: January 23, 2025

Decided: January 29, 2025

Before WILKINSON, WYNN, and THACKER, Circuit Judges.

Remanded by unpublished per curiam opinion.

Andrew Joseph Dicks, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Andrew Joseph Dicks seeks to appeal the district court's order dismissing his 28 U.S.C. § 2254 petition without prejudice as successive and unauthorized. In civil cases, parties have 30 days after the entry of the district court's final judgment or order to note an appeal, Fed. R. App. P. 4(a)(1)(A), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6). "[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement." *Bowles v. Russell*, 551 U.S. 205, 214 (2007).

The district court entered its order on September 12, 2024, so the appeal period expired on October 15. *See* Fed. R. Civ. P. 6(a)(1)(C) (relevant counting rule). Dicks wrote on his notice of appeal that he filed the document on September 19 and certified that he sent a copy to the Maryland Office of the Attorney General the same day. The envelope, however, was stamped by the United States Postal Service on November 4 and by prison officials on November 6. Due to this conflicting evidence, we cannot determine whether Dicks timely filed his notice of appeal. *See* Fed. R. App. P. 4(c)(1)(A); *Houston v. Lack*, 487 U.S. 266, 276 (1988) (establishing prison mailbox rule). Accordingly, we remand this case to the district court for the limited purpose of determining when Dicks delivered his notice of appeal to prison officials for mailing to the court. The record, as supplemented, will then be returned to this court for further consideration.

REMANDED