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UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

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September 29, 2006

Fernando Galindo
Eastern District of Virginia at Alexandria
401 Courthouse Square
Alexandria, VA 22314

Re: 06-6177 Watford v. House
1:04-cv-01526-GBL

Dear Clerk:

Enclosed is an opinion of this Court remanding the case for limited purpose. The record on appeal is being returned for the district court's use. Please return the record, as supplemented, to this Court after completing the determination on remand.

Yours truly,

PATRICIA S. CONNOR
Clerk

/s/ Shirley J. Beasley

By: _____
Deputy Clerk

cc: Kelvin Watford

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-6177

KELVIN WATFORD,

Plaintiff - Appellant,

versus

CORRECTIONAL HOUSE, Correctional Officer,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Gerald Bruce Lee, District Judge. (1:04-cv-01526-GBL)

Submitted: September 26, 2006

Decided: September 29, 2006

Before WIDENER and WILKINSON, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Remanded by unpublished per curiam opinion.

Kelvin Watford, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Kelvin Watford seeks to appeal the district court's order denying his motion for reconsideration of the denial of 42 U.S.C. § 1983 complaint. The notice of appeal was received in the district court shortly after expiration of the appeal period. Because Watford is incarcerated, the notice is considered filed as of the date it was properly delivered to prison officials for mailing to the court. Fed. R. App. P. 4(c)(1); Houston v. Lack, 487 U.S. 266 (1988). The record does not reveal when Watford gave the notice of appeal to prison officials for mailing. Accordingly, we remand the 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 Fed. R. App. P. 4(c)(1) and Houston v. Lack. The record, as supplemented, will then be returned to this court for further consideration.

REMANDED