

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-6540**

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CHE TANAND KUMAR SEWRAZ,

Plaintiff - Appellant,

v.

DAVID LONG, JR.; MICHAEL MORCHOWER; ETHICAL INVESTIGATIONS;  
ASSET PRESERVATION; ROBERT H. CARTER; DELORES W. CARTER;  
PEARSON HYUNDAI; N.E. LEWIS; MICHAEL KESSLER; UNKNOWN  
EMPLOYEES OF PEARSON HYUNDAI,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Richmond. Richard L. Williams, Senior  
District Judge. (3:08-cv-00100-RLW)

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Submitted: September 1, 2009                      Decided: September 16, 2009

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Before MOTZ and SHEDD, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Remanded by unpublished per curiam opinion.

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Chetanand Kumar Sewraz, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Chetanand Kumar Sewraz seeks to appeal the district court's order dismissing his complaint under Fed. R. Civ. P. 8(a). The notice of appeal was received in the district court after expiration of the appeal period. Because Sewraz 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 Sewraz 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 Rule 4(c)(1) and Houston v. Lack. The record, as supplemented, will then be returned to this court for further consideration.

REMANDED