

UNPUBLISHED

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

ELIZABETH JENKINS,
Plaintiff-Appellant,

v.

BOB WISE, Governor; CECIL
UNDERWOOD, Former Governor;
SANDRA ILBERTON, former
chairperson of the West Virginia
Parole Board,
Defendants-Appellees.

No. 01-8027

Appeal from the United States District Court
for the Northern District of West Virginia, at Clarksburg.
Irene M. Keeley, Chief District Judge.
(CA-01-63-1)

Submitted: April 18, 2002

Decided: April 30, 2002

Before MOTZ, TRAXLER, and GREGORY, Circuit Judges.

Remanded by unpublished per curiam opinion.

COUNSEL

Elizabeth Jenkins, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

The notice of appeal in this case was received in the district court shortly after expiration of the appeal period. Under *Houston v. Lack*, 487 U.S. 266 (1988), the notice is considered filed as of the date Appellant delivered it to prison officials for forwarding to the court. The record does not reveal when Appellant delivered the notice of appeal for mailing to the court. Accordingly, we remand the case for the district court to obtain this information from the parties and determine the timeliness of the filing under *Houston v. Lack*. The record, as supplemented, will then be returned to this court for further consideration.

REMANDED