

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 03-6282**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ORTEZ ANTOINE PROPST,

Defendant - Appellant.

---

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. Frank W. Bullock, Jr., District Judge. (CR-99-325, CA-01-176-1)

---

Submitted: June 25, 2003

Decided: July 15, 2003

---

Before WILLIAMS and MICHAEL, Circuit Judges, and HAMILTON, Senior Circuit Judge.

---

Remanded by unpublished per curiam opinion.

---

Ortez Antoine Propst, Appellant Pro Se. Steven Hale Levin, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Ortez Antoine Propst seeks to appeal the district court's order denying relief on his motion filed under 28 U.S.C. § 2255 (2000), and a subsequent order denying his motion for reconsideration. The notice of appeal was received in the district court shortly after expiration of the appeal period. Under Fed. R. App. P. 4(c)(1) and Houston v. Lack, 487 U.S. 266 (1988), the notice of appeal is considered filed as of the date Propst properly delivered it to prison officials for mailing to the court. The record does not reveal if or when Propst complied with the requirements of Fed. R. App. P. 4(c)(1). Accordingly, we remand the case for 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