

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6387

HUGH MAURICE ALLEN WADE,

Plaintiff - Appellant,

v.

WENELISA NAVARRO, M.D.; ISAIAS TESSEMA, M.D.; ERWIN ALDANA,
M.D.,

Defendants - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Greenbelt. Alexander Williams, Jr., District
Judge. (8:09-cv-01985-AW)

Submitted: August 19, 2011

Decided: August 24, 2011

Before SHEDD, AGEE, and DAVIS, Circuit Judges.

Remanded by unpublished per curiam opinion.

Hugh Maurice Allen Wade, Appellant Pro Se. Philip Melton
Andrews, Katrina J. Dennis, KRAMON & GRAHAM, PA, Baltimore,
Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Hugh Maurice Allen Wade seeks to appeal the district court's order granting Defendants' motion to dismiss. The notice of appeal was received in the district court shortly after expiration of the appeal period. Because Wade 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 Wade 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