

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1681

MIYA GREENE,

Plaintiff - Appellant,

v.

KILOLO KIJAKAZI, Acting Commissioner of Social Security,

Defendant - Appellee.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Catherine C. Eagles, District Judge. (1:21-cv-00059-CCE-JLW)

Submitted: November 22, 2022

Decided: November 28, 2022

Before HARRIS and RICHARDSON, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Remanded by unpublished per curiam opinion.

Miya Greene, Appellant Pro Se. Matthew Jared Littman, SOCIAL SECURITY ADMINISTRATION OFFICE OF GENERAL COUNSEL, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Miya Greene appeals the district court's order accepting the recommendation of the magistrate judge and upholding the Administrative Law Judge's (ALJ) denial of Greene's application for disability insurance benefits and supplemental security income.

The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B). The magistrate judge recommended that relief be denied and advised Greene that failure to file timely, specific objections to this recommendation could waive appellate review of a district court order based upon the recommendation. After Greene did not file such objections within the allotted time, the district court accepted the magistrate judge's recommendation and affirmed the ALJ's decision. However, on the same day that the district court issued its order, Green filed a "[m]otion to allow opposing motion" and a "[r]esponse [t]o [o]ppose [m]otion." The district court did not rule on those filings before Greene noted this appeal.*

Whether Greene has forfeited appellate review of the district court's order turns on the proper construction and disposition of those documents. We therefore remand to the district court for the limited purpose of determining whether Greene's filings are properly construed as her objections to the magistrate judge's recommendation and a motion for an extension of time to file those objections and, if so, for the court to consider those filings

* Although the district court issued an order related to these filings after Greene noted this appeal, it is not apparent that the court had jurisdiction to do so. *See, e.g., Doe v. Public Citizen*, 749 F.3d 246, 258 (4th Cir. 2014).

in the first instance. The record, as supplemented, will then be returned to this court for further consideration.

REMANDED