UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 26-1122

JARRETT RAYSHAWN BAKER, of the Family Baker,

Plaintiff - Appellant,

v.

CARLA WEST, through the IV-D Agency,

Defendant - Appellee.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Thomas D. Schroeder, District Judge. (1:25-cv-00289-TDS-JEP)

Submitted: August 27, 2026 Decided: August 31, 2026

Before KING, HEYTENS, and BENJAMIN, Circuit Judges.

Remanded by unpublished per curiam opinion.

Jarrett Rayshawn Baker, Appellant Pro Se. Janelle Elizabeth Varley, Assistant Attorney General, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jarrett Rayshawn Baker seeks to appeal the district court's order dismissing his 42 U.S.C. § 1983 complaint for lack of subject matter jurisdiction. "[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement." *Bowles v. Russell*, 551 U.S. 205, 214 (2007). In civil cases, parties have 30 days after the entry of the district court's final judgment or order to note an appeal, Fed. R. App. P. 4(a)(1)(A), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6).

The district court entered its order on December 31, 2025, and the appeal period expired on January 30, 2026. On February 3, 2026, Baker filed a motion to reopen the appeal period under Rule 4(a)(6). In his motion, Baker argued that he received notice of the judgment in the mail five days after it was filed, and this delay substantially affected his ability to note a timely appeal.

Because Baker requested that the court reopen the appeal period, and because Baker's motion was filed within the 30-day excusable neglect period and evinced a desire to preserve his appeal, the district court should have construed his filing as a motion to extend the appeal period under Rule 4(a)(5). Accordingly, we remand for the limited purpose of allowing the district court to determine whether the appeal period should be extended pursuant to Rule 4(a)(5). The record, as supplemented, will then be returned to this court for further consideration.

REMANDED