

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-13190

JESSE DANIEL MAJOR,

Plaintiff-Appellant,

versus

OFFICER JONES,

Defendant-Appellee,

LEE ANNA SMITH, et al.,

Defendants.

Appeal from the United States District Court
for the Middle District of Georgia

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Order of the Court

23-13190

D.C. Docket No. 7:21-cv-00051-WLS-TQL

Before WILSON and GRANT, Circuit Judges.

BY THE COURT:

This appeal is REMANDED, *sua sponte*, to the district court for the limited purpose of determining whether to reopen the appeal period under Federal Rule of Appellate Procedure 4(a)(6). Jesse Daniel Major's *pro se* notice of appeal, filed on September 19, 2023, is untimely to appeal from the district court's July 19, 2023 final order and judgment dismissing his complaint. *See* Fed. R. App. P. 4(a)(1)(A). However, Major's notice of appeal, which we must liberally construe, suggests that he did not receive notice of the final order and judgment within 21 days of entry because he was in jail, where he did not receive mail, during that time. *See, e.g., Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (explaining that courts must construe *pro se* filings liberally). Thus, there is a question as to whether the appeal period should be reopened under Rule 4(a)(6). *See Sanders v. United States*, 113 F.3d 184, 186-87 (11th Cir. 1997); Fed. R. App. P. 4(a)(6). Upon making its determinations, the district court shall return the case, as supplemented, to this Court for further proceedings.