

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

January 28, 2020

Lyle W. Cayce
Clerk

No. 18-41043
Summary Calendar

JERRY LENEZ BANGMON,

Plaintiff-Appellant

v.

DAMON ALEXANDER; SERGIO G. BUENTELLO; WILLIE M. RATLIFF;
GRETТА K. BENNETT; BEVERLY A. WHITE; AQUISHA GUIDRY; EDGAR
J. HULIPAS; TERRY W. SPEERS; EMILY SHORTRIDGE,

Defendants-Appellees

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 3:14-CV-370

Before HIGGINBOTHAM, HO, and ENGELHARDT, Circuit Judges.

PER CURIAM:*

Jerry Lenez Bangmon, Texas prisoner # 1568309, appeals the September 5, 2018 judgment dismissing his remaining 42 U.S.C. § 1983 claims on summary judgment and pursuant to 28 U.S.C. § 1915(e)(2)(B). Bangmon filed his October 24, 2018, notice of appeal and accompanying unsworn declaration more than 30 days after the entry of judgment. *See* FED. R. APP. P. 4(a)(1)(A).

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 18-41043

A district court may extend the time to file a notice of appeal if the appellant moves for an extension of time within 30 days after the expiration of the Rule 4(a)(1)(A) deadline and he shows excusable neglect or good cause. FED. R. APP. P. 4(a)(5). The pro se declaration filed by Bangmon with his notice of appeal, construed liberally, moves for an extension of the Rule 4(a)(1)(A) filing deadline, and it was filed within 30 days after the expiration of that deadline. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972). Accordingly, Bangmon's appeal and his pending motions are held in abeyance and the case is REMANDED for a determination whether Bangmon's deadline for filing a notice of appeal is extended under Rule 4(a)(5).