

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-7282

MICHAEL L. CAMPBELL, a/k/a Michael Leroy Campbell,

Plaintiff - Appellant,

v.

LARRY W. POWERS,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Florence. Henry F. Floyd, District Judge. (4:08-cv-01765-HFF)

Submitted: December 16, 2010

Decided: December 29, 2010

Before GREGORY, DUNCAN, and DAVIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Michael L. Campbell, Appellant Pro Se. Andrew Todd Darwin, HOLCOMBE, BOMAR, GUNN & BRADFORD, PA, Spartanburg, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael L. Campbell seeks to appeal the district court's order adopting the recommendation of the magistrate judge and denying relief on his 42 U.S.C. § 1983 (2006) complaint. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties are accorded thirty 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). "[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).

The district court's order was entered on the docket on August 31, 2009. The notice of appeal was filed on September 10, 2010.* Because Campbell failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We also deny Campbell's motion to assign counsel. We dispense with oral argument because the facts and legal contentions are adequately presented

* For the purpose of this appeal, we assume that the date appearing on the notice of appeal is the earliest date it could have been properly delivered to prison officials for mailing to the court. Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266 (1988).

in the materials before the court and argument would not aid the decisional process.

DISMISSED