

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 15-7598**

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WILLIE GILMORE,

Petitioner - Appellant,

v.

WARDEN ROBERT STEVENSON, III,

Respondent - Appellee.

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Appeal from the United States District Court for the District of South Carolina, at Aiken. Richard M. Gergel, District Judge. (1:14-cv-04540-RMG)

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Submitted: January 23, 2017

Decided: March 17, 2017

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Before DIAZ and HARRIS, Circuit Judges, and DAVIS, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Willie Gilmore, Appellant Pro Se. Donald John Zelenka, Senior Assistant Attorney General, Kaycie Smith Timmons, Assistant Attorney General, Columbia, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Willie Gilmore seeks to appeal the district court's order accepting the recommendation of the magistrate judge and dismissing his petition filed under 28 U.S.C. § 2254 (2012). We remanded this case to the district court for the limited purpose of determining whether Gilmore demonstrated excusable neglect or good cause warranting an extension of the 30-day appeal period. The case is now back before us upon a finding by the district court that Gilmore failed to make this showing. We therefore dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties are accorded 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). "[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 13, 2015. The notice of appeal was filed, at the earliest, on September 17, 2016.\* Because Gilmore failed to file

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\* See Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266 (1988).

a timely notice of appeal or obtain an extension or reopening of the appeal period, we dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED