

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-1305

TALIA JOHNSON,

Plaintiff - Appellant,

v.

DAVID V. BYRD, Chief District Court Judge; JEANIE R. HOUSTON,
DISTRICT COURT JUDGE; WILLIAM F. BROOKS, DISTRICT COURT
JUDGE; ANGELA B. PUCKETT, DISTRICT COURT JUDGE; RENEE M.
HAUSER,

Defendants - Appellees.

Appeal from the United States District Court for the Middle District of North Carolina, at
Greensboro. William L. Osteen, Jr., Chief District Judge. (1:16-cv-01052-WO-LPA)

Submitted: June 28, 2017

Decided: July 21, 2017

Before TRAXLER, KEENAN, and DIAZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Japheth N. Matemu, MATEMU LAW OFFICE P.C., Raleigh, North Carolina, for
Appellant.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Talia Johnson seeks to appeal the district court's judgment adopting the magistrate judge's recommendation, dismissing Johnson's complaint without prejudice, and denying her motion for a preliminary injunction as moot. We 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 judgment was entered on January 20, 2017. The notice of appeal was filed on March 9, 2017. Because Johnson failed to file a timely notice of appeal or to 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

* Johnson also filed a document seeking to appeal from the magistrate judge's memorandum opinion and recommendation. Contrary to Johnson's argument, this filing cannot serve as a notice of appeal from the final judgment pursuant to Fed. R. App. P. 4(a)(2) because the magistrate judge's recommendation was clearly interlocutory and could not have been certified for immediate appeal under Fed. R. Civ. P. 54(b). *See In re Bryson*, 406 F.3d 284, 287-89 (4th Cir. 2005). In any event, even if Johnson had noted a timely appeal, she waived her right to appellate review by failing to file specific objections to the magistrate judge's memorandum opinion and recommendation. *See Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

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

DISMISSED