

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-7096

LAWRENCE L. CRAWFORD, a/k/a Jonah The Tishbite, a/k/a Gabriel Jahjah T.
Tishbite, a/k/a, John Gabriel Jahjah Tishbite,

Movant - Appellant,

and

RON SANTA MCCRAY,

Petitioner,

v.

WARDEN OF LIEBER CORRECTIONAL INSTITUTION,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Aiken.
Terry L. Wooten, Senior District Judge. (1:22-cv-01204-TLW-SVH)

Submitted: October 31, 2023

Decided: December 29, 2023

Before KING and QUATTLEBAUM, Circuit Judges, and FLOYD, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Lawrence Crawford, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lawrence L. Crawford seeks to appeal the magistrate judge’s order denying his motion to intervene in the underlying habeas action and he has filed motions to supplement the appeal and for injunctive relief. We previously remanded this case to the district court for the limited purpose of determining whether Crawford satisfied the requirements for reopening the appeal period set forth in Fed. R. App. P. 4(a)(6). *See Crawford v. Warden of Lieber Corr. Inst.*, No. 22-7096, 2023 WL 3051816 (4th Cir. Apr. 24, 2023). On remand, the district court found that Crawford did not satisfy these requirements. We dismiss the appeal for lack of jurisdiction.

In civil cases, parties have 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 magistrate judge entered the dismissal order on May 6, 2022. Affording Crawford the benefit of Fed. R. App. P. 4(c) and *Houston v. Lack*, 487 U.S. 266 (1988), Crawford’s notice of appeal, which we previously construed as a motion to reopen the appeal period, was filed on September 14, 2022. On remand, the district court found that Crawford could not satisfy the requirements of Rule 4(a)(6) because he received notice of entry of the appealed-from order within 21 days of entry. *See* Fed. R. App. P. 4(a)(6)(A) (providing that a “district court may reopen the time to file an appeal for a period of 14 days after the date when its order to reopen is entered,” but only if the court finds that “the

moving party did not receive notice under Federal Rule of Civil Procedure 77(d) of the entry of the judgment or order sought to be appealed within 21 days after entry”). We agree.

Because Crawford failed to file a timely notice of appeal or to obtain a permissible extension or reopening of the appeal period, we lack jurisdiction over this appeal. We therefore dismiss the appeal and deny the pending motions. 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