

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-6457

FLOYD O. HUNT, JR.,

Petitioner - Appellant,

v.

RICK WHITE, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Western District of Virginia, at
Roanoke. James P. Jones, Senior District Judge. (7:21-cv-00152-JPJ-PMS)

Submitted: November 21, 2023

Decided: November 28, 2023

Before WILKINSON and NIEMEYER, Circuit Judges, and TRAXLER, Senior Circuit
Judge.

Dismissed by unpublished per curiam opinion.

Floyd O. Hunt, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Floyd O. Hunt, Jr., seeks to appeal the district court's orders granting his motion to voluntarily dismiss his 28 U.S.C. § 2254 petition and denying his two motions for reconsideration of that order. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

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 district court's order granting Hunt's motion to dismiss and dismissing his § 2254 petition was entered on May 13, 2021; the district court's order denying Hunt's first Fed. R. Civ. P. 60(b) motion for reconsideration was entered on February 3, 2023; and the order denying Hunt's second motion for reconsideration was entered on March 9, 2023. Hunt's notice of appeal was filed no earlier than April 20, 2023.* Because Hunt failed to file a timely notice of appeal from these orders or to obtain an extension or reopening of the appeal period, we dismiss the appeal for lack of jurisdiction.

* For the purpose of this appeal, we assume that the postmark date appearing on the envelope containing the notice of appeal is the earliest date Hunt could have delivered the notice to prison officials for mailing to the court. Fed. R. App. P. 4(c)(1); *Houston v. Lack*, 487 U.S. 266, 276 (1988).

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