

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6998

THURMAN VAN LILLY,

Petitioner - Appellant,

v.

STAN BURTT, Warden of Lieber Correctional Institution;
HENRY D. MCMASTER, Attorney General for the State of South
Carolina,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. G. Ross Anderson, Jr., District
Judge. (2:07-cv-00999-JFA)

Submitted: November 20, 2008

Decided: November 26, 2008

Before MOTZ and GREGORY, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Thurman Van Lilly, Appellant Pro Se. William Edgar Salter, III,
Assistant Attorney General, Columbia, South Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Thurman Van Lilly seeks to appeal the district court's orders denying his 28 U.S.C. § 2254 (2000) petition and motion to reconsider that denial. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

The time limits for noting an appeal in a civil case are set forth in Rule 4(a) of the Federal Rules of Appellate Procedure, which effectuates 28 U.S.C. § 2107 (2000). See Bowles v. Russell, 127 S. Ct. 2360, 2363 (2007). 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). A failure to file a notice of appeal in accordance with § 2107 and Fed. R. App. P. 4(a) deprives the appellate court of jurisdiction. Bowles, 127 S. Ct. at 2366.

The district court's order was entered on its docket on May 6, 2008. The notice of appeal was filed, at the earliest,* on June 7, 2008, thirty-two days later. Because Lilly failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the

* See Houston v. Lack, 487 U.S. 266, 276 (1988).

appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED