

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-2297**

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GEORGE W. BLACKWELL, SR.,

Plaintiff - Appellant,

v.

PAULA Y. SMITH, Dr.; PHILLIP STOVER, M.D.; BOYD BENNETT;  
THEODIS BECK; KENNETH TEAGUE; TONY SMITH,

Defendants - Appellees,

and

SHANG-HSIEN STANLEY YUAN; RICK ANDERSON; FMCU,

Defendants.

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Appeal from the United States District Court for the Western  
District of North Carolina, at Asheville. Graham C. Mullen,  
Senior District Judge. (1:08-cv-00526-GCM)

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Submitted: April 29, 2010

Decided: May 3, 2010

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

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Dismissed by unpublished per curiam opinion.

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George W. Blackwell, Sr., Appellant Pro Se. Yvonne Bulluck  
Ricci, Assistant Attorney General, Raleigh, North Carolina, for  
Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

George W. Blackwell, Sr., seeks to appeal the district court's order dismissing his civil action.\* We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

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). "[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 the docket on October 8, 2009. The notice of appeal was filed on November 10, 2009. Because Blackwell 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 adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED

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\* Blackwell's claims against Defendants Paula Smith, M.D., and Phillip Stover, M.D., were dismissed without prejudice. The remainder of Blackwell's claims were dismissed with prejudice.