

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7227

JEROME COCHRANE,

Petitioner - Appellant,

v.

STAN BURTT, Warden; ATTORNEY GENERAL OF SOUTH CAROLINA,

Respondents - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Greenville. G. Ross Anderson, Jr., Senior District Judge. (6:06-cv-00325-GRA)

Submitted: October 15, 2009

Decided: October 22, 2009

Before SHEDD, DUNCAN, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Jerome Cochrane, Appellant Pro Se. William Edgar Salter, III, Assistant Attorney General, Donald John Zelenka, Deputy Assistant Attorney General, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jerome Cochrane moved for a certificate of appealability, which the district court construed as a notice of appeal of its March 26, 2007, order adopting the report and recommendation of the magistrate judge and granting the respondents' motion for summary judgment on Cochrane's 28 U.S.C. § 2254 (2006) petition. 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). Therefore, the appeal must be dismissed if the notice of appeal is untimely. Washington v. Bumgarner, 882 F.2d 899, 900 (4th Cir. 1989).

The district court's order was entered on the docket on March 26, 2007. The notice of appeal was filed on August 13, 2008. Because Cochrane failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We note that this court addressed Cochrane's appeal of the March 26, 2007, order in a previous

opinion which denied a certificate of appealability and dismissed the appeal. Cochrane v. Burt, No. 07-6718 (4th Cir. Aug. 28, 2007). 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