

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6161

WILLIE ANDERSON,

Petitioner - Appellant,

v.

HENRY MCMASTER, Attorney General for South Carolina,

Respondent - Appellee.

Appeal from the United States District Court for the District of
South Carolina, at Florence. G. Ross Anderson, Jr., Senior
District Judge. (4:05-cv-02661-GRA)

Submitted: May 20, 2010

Decided: May 27, 2010

Before WILKINSON, NIEMEYER, and DAVIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Willie Anderson, Appellant Pro Se. William Edgar Salter, III,
Assistant Attorney General, Donald John Zelenka, Deputy
Assistant Attorney General, Columbia, South Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Willie Anderson seeks to appeal the district court's order accepting the recommendation of the magistrate judge to dismiss Anderson's 28 U.S.C. § 2254 (2006) petition as untimely under the AEDPA. 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 order was entered on the docket on April 18, 2006. The notice of appeal was filed on January 20, 2010.* Because Anderson 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

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

in the materials before the court and argument would not aid the decisional process.

DISMISSED