UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6897

JOHN EDWARD HAMMOND,

Plaintiff – Appellant,

v.

MAJOR D. BUSH; CAPTAIN R. ABSTON; LIEUTENANT B. HUNTER; LIEUTENANT C. WILLIAMS, JR.; LIEUTENANT J. BENNETT; LIEUTENANT D. HAROUFF; SARGENT J. JEFFREY; OFFICER M. SAYPHENS; DIRECTOR JON E. OZMINT,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Sol Blatt, Jr., Senior District Judge. (3:08-cv-03592-SB)

Submitted: November 30, 2010 Decided: December 7, 2010

Before WILKINSON, KEENAN, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

John Edward Hammond, Appellant Pro Se. Samuel C. Weldon, TURNER, PADGET, GRAHAM & LANEY, PA, Greenville, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John Edward Hammond seeks to appeal the district court's order adopting the recommendation of the magistrate judge and granting summary judgment for the Defendants in Hammond's 42 U.S.C. § 1983 (2006) 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 order was entered on the docket on March 15, 2010. The notice of appeal was filed, at the earliest, on May 24, 2010.[*] Because Hammond failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We deny Hammond's motions for appointment of counsel. We dispense with oral

[*] 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).

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