

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-7350

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SUSAN TOMIKO ROSE, a/k/a Suzie,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Mark S. Davis, District Judge. (1:05-cr-00134-WDK-FBS-9; 2:09-cv-00348-MSD)

Submitted: November 18, 2010

Decided: December 2, 2010

Before SHEDD and AGEE, Circuit Judges, and HAMILTON, Senior Circuit.

Dismissed by unpublished per curiam opinion.

Susan Tomiko Rose, Appellant Pro Se. Laura Marie Everhart, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Susan Tomiko Rose seeks to appeal the district court's order dismissing her 28 U.S.C.A. § 2255 (West Supp. 2010) motion. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

When the United States or its officer or agency is a party, the notice of appeal must be filed no more than sixty days after the entry of the district court's final judgment or order, Fed. R. App. P. 4(a)(1)(B), 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 June 11, 2010. The notice of appeal was filed on September 16, 2010. Because Rose 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 Rose's motion to expand the certificate of appealability. 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