UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 10-7534

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UNITED STATES OF AMERICA,

                    Plaintiff – Appellee,

          v.

SABRI BENKAHLA,

                    Defendant – Appellant.

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Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. James C. Cacheris, Senior
District Judge. (1:06-cr-00009-JCC-1; 1:10-cv-00030-JCC)

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Submitted: March 14, 2011   Decided: March 31, 2011

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Before WILKINSON, MOTZ, and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Sabri Benkahla, Appellant Pro Se. Gordon D. Kromberg, Assistant
United States Attorney, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sabri Benkahla seeks to appeal the district court's order denying relief on his 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 of dismissal was entered on the docket on July 8, 2010. The notice of appeal was filed, at the earliest, on October 27, 2010.[*] Because Benkahla 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

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[*] See Houston v. Lack, 487 U.S. 266, 276 (1988).

contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

<u>DISMISSED</u>