

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-7568**

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JOHN BERNARD ROBINSON,

Petitioner - Appellant,

v.

ANTHONY PADULA, Warden of Lee Correctional Institution,

Respondent - Appellee,

and

STATE OF SOUTH CAROLINA,

Defendant.

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Appeal from the United States District Court for the District of  
South Carolina, at Aiken. J. Michelle Childs, District Judge.  
(1:09-cv-01977-JMC)

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Submitted: April 28, 2011

Decided: May 2, 2011

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Before DAVIS, KEENAN, and WYNN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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John Bernard Robinson, Appellant Pro Se. Donald John Zelenka,  
Deputy Assistant Attorney General, Columbia, South Carolina, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John Bernard Robinson seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on his 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).

The district court's judgment was entered on September 15, 2010, and the notice of appeal was deposited in the prison's internal mail system on October 20, 2010. See Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266, 276 (1988). Because Robinson 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 in the materials before the court and argument would not aid the decisional process.

DISMISSED