

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6164

KENNETH WILLIAM RAY, II,

Plaintiff - Appellant,

v.

JOE DRIVER, Rec Officer; HAROLD BOYLES; MICHELLE T.
FUSEYAMORE, Regional Counsel,

Defendants - Appellees.

Appeal from the United States District Court for the Northern
District of West Virginia, at Elkins. John Preston Bailey,
Chief District Judge. (2:10-cv-00009-JPB-JSK)

Submitted: February 8, 2012

Decided: February 16, 2012

Before KING, SHEDD, and DIAZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Kenneth William Ray, II, Appellant Pro Se. Alan McGonigal,
Assistant United States Attorney, Wheeling, West Virginia, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kenneth William Ray, II, seeks to appeal the district court's order adopting the magistrate judge's report and recommendation. 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 November 17, 2010. The notice of appeal was deemed filed on January 31, 2011. Because Ray 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