

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6907

GERALD SULLIVAN,

Plaintiff - Appellant,

v.

JON OZMINT, Commissioner of SCDC; ANTHONY PADULA, Warden of Lee Correctional Institution; RONNIE CRIBB, Captain; ANTHONY DAVIS, Lieutenant; LIEUTENANT MIMS; S. PARKER, Officer; OFFICER SAURS; NURSE BROWN,

Defendants - Appellees,

and

OFFICER HOLT; MAURICE MCBRIDE, Corporal,

Defendants.

Appeal from the United States District Court for the District of South Carolina, at Greenville. David C. Norton, Chief District Judge. (6:09-cv-01173-DCN)

Submitted: October 13, 2011

Decided: October 18, 2011

Before SHEDD, AGEE, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Gerald Sullivan, Appellant Pro Se. Bradford Cary Andrews, Samuel F. Arthur, III, AIKEN, BRIDGES, NUNN, ELLIOTT & TYLER,

PA, Florence, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gerald Sullivan seeks to appeal the district court's order adopting the report and recommendation of the magistrate judge and dismissing his 42 U.S.C. § 1983 (2006) suit. He also challenges the denial of his motion for reconsideration. 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 most recent order by the district court was entered on December 29, 2010. The undated notice of appeal was entered on July 8, 2011. Because Sullivan 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