

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-7101

JOHN ROOSEVELT BACCUS,

Petitioner - Appellant,

v.

STAN BURTT, Warden; HENRY D. MCMASTER, Attorney General,

Respondents - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Rock Hill. David C. Norton, Chief District Judge. (0:06-cv-01912-DCN)

Submitted: November 15, 2011 Decided: November 18, 2011

Before NIEMEYER and KEENAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

John Roosevelt Baccus, Appellant Pro Se. Derrick K. McFarland, SOUTH CAROLINA BUDGET AND CONTROL BOARD, Columbia, South Carolina; Donald John Zelenka, Deputy Assistant Attorney General, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John Roosevelt Baccus seeks to appeal the district court's order adopting 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 order was entered on the docket on May 16, 2007. The notice of appeal was filed on August 11, 2011. Because Baccus failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We further note that the appeal is duplicative because Baccus has previously appealed the district court's order denying his § 2254 petition. We deny Baccus's motions for a grand jury transcript, to appoint counsel, for bail or release pending appeal, for "the very purpose of habeas corpus," and to compel the return of his legal materials. 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