

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-7612

MARK RYLAND DOWDY,

Plaintiff - Appellant,

v.

COMMONWEALTH OF VIRGINIA; CHERYL BROWN; DAFNEY BROWN; A. JOHN
VOLLINO; JUSTIN SHELTON; CYNTHIA L. MCCOY,

Defendants - Appellees.

Appeal from the United States District Court for the Western
District of Virginia, at Roanoke. Michael F. Urbanski, District
Judge. (7:11-cv-00492-MFU-RSB)

Submitted: April 18, 2012

Decided: May 10, 2012

Before WILKINSON, KING, and DIAZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Mark Ryland Dowdy, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mark Ryland Dowdy seeks to appeal the district court's order dismissing without prejudice his 42 U.S.C. § 1983 (2006) complaint as frivolous. 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 October 25, 2011. The notice of appeal was filed on November 27, 2011.* Because Dowdy 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

*For the purpose of this appeal, we assume that the date appearing on the notice of appeal is the earliest date it could have been properly delivered to prison officials for mailing to the court. Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266 (1988).

in the materials before the court and argument would not aid the decisional process.

DISMISSED