

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-7680

CHARLES KIGER,

Plaintiff - Appellant,

v.

TIMOTHY STEWART, Warden, Federal Correctional Institution,
Morgantown, West Virginia; DR. MICHAEL WATERS, Physician;
AHMED JAWAD, M.L.P. Physician Assistant; LEWIS BRESOACH,
Health Administrator,

Defendants - Appellees.

Appeal from the United States District Court for the Northern
District of West Virginia, at Elkins. David J. Joel, Magistrate
Judge. (2:11-cv-0070-DJJ)

Submitted: January 22, 2013

Decided: January 25, 2013

Before WILKINSON, NIEMEYER, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Charles Kiger, Appellant Pro Se. Helen Campbell Altmeyer,
Assistant United States Attorney, Wheeling, West Virginia, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charles Kiger appeals the magistrate judge's* order denying relief on his complaint filed pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). 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 magistrate judge's order was entered on the docket on July 12, 2012. The notice of appeal was filed on September 17, 2012. Because Kiger failed to file a timely notice of appeal or 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

* The parties consented to the jurisdiction of the magistrate judge under 28 U.S.C. § 636(c) (2006).

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

DISMISSED