

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 13-1103**

---

ERIC M. MCMILLIAN,

Plaintiff - Appellant,

v.

OFFICER E. W. GILYARDI, Raleigh Police Department,

Defendant - Appellee.

---

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Louise W. Flanagan, District Judge. (5:12-cv-00162-FL)

---

Submitted: April 25, 2013

Decided: April 29, 2013

---

Before AGEE and WYNN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

---

Dismissed by unpublished per curiam opinion.

---

Eric M. McMillian, Appellant Pro Se. Hunt Kang Choi, CITY ATTORNEY'S OFFICE, Raleigh, North Carolina, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Eric M. McMillian seeks to appeal the district court's order dismissing his 42 U.S.C. § 1983 (2006) civil rights action for failure to state a claim. 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 November 28, 2012. The notice of appeal was filed on January 14, 2013. Because McMillian 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 this court and argument would not aid the decisional process.

DISMISSED