

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6052

CHRISTOPHER RAYE BROWN,

Petitioner - Appellant,

v.

GENE M. JOHNSON,

Respondent - Appellee.

Appeal from the United States District Court for the Western
District of Virginia, at Roanoke. Samuel G. Wilson, District
Judge. (7:09-cv-00483-SGW-mfu)

Submitted: March 26, 2013

Decided: March 29, 2013

Before DUNCAN, FLOYD, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Christopher Raye Brown, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Christopher Raye Brown seeks to appeal the district court's order denying his motion for reconsideration of the court's dismissal of his 28 U.S.C. § 2254 (2006) petition and denial of a certificate of appealability. 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 January 13, 2010. The notice of appeal was filed, at the earliest, on January 2, 2013.¹ Because Brown failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny leave to proceed in forma pauperis and dismiss the appeal.² We dispense with oral argument because

¹ See Fed. R. App. P. 4(c)(1); Houston v. Lack, 487 U.S. 266, 276 (1988).

² Furthermore, Brown previously filed a notice of appeal from this order; the resultant appeal was dismissed for failure (Continued)

the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED

to prosecute. Brown v. Johnson, No. 10-6082 (4th Cir. Mar. 12, 2010) (unpublished order).