

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6161

CHARLES D. WILLINGHAM,

Plaintiff - Appellant,

v.

G. CRUTCHFIELD, Asst. Supt Programs Staff; LYNN SUMMERS,
Supt of Hoke CI 4320; K. STAND BACK, Asst of Hoke CI 4320;
ROBERT C. LEWIS, Dir O.P.S. of N. Carolina; MEDICAL DEPT.;
MAILROOM STAFF,

Defendants - Appellees.

Appeal from the United States District Court for the Western
District of North Carolina, at Asheville. Robert J. Conrad,
Jr., Chief District Judge. (1:12-cv-00324-RJC)

Submitted: May 30, 2013

Decided: June 5, 2013

Before SHEDD, DIAZ, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Charles D. Willingham, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charles D. Willingham seeks to appeal the district court's order dismissing his civil action under 28 U.S.C. § 1915(e)(2)(B) (2006). 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 21, 2012. The notice of appeal was filed on December 26, 2012.* Because Willingham 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

* 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, 276 (1988).

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

DISMISSED