

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6631

CLIFFORD ANTHONY JACKSON,

Plaintiff - Appellant,

v.

STUART BERGER,

Defendant - Appellee.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Peter J. Messitte, Senior District Judge. (8:12-cv-02686-PJM)

Submitted: August 20, 2013

Decided: September 6, 2013

Before MOTZ, WYNN, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Clifford Anthony Jackson, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Clifford Anthony Jackson seeks to appeal the district court's order dismissing his 42 U.S.C. § 1983 (2006) complaint as legally frivolous under 28 U.S.C. § 1915(e)(2)(b)(i) (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 September 18, 2012. It was incumbent upon Jackson to file his notice of appeal by October 18, 2012. Jackson filed a motion for extension of time along with his notice of appeal in this court on March 18, 2013.* See Fed. R. App. P. 4(d) (a notice of appeal mistakenly filed in the court of appeals is considered filed in the district court on the date so noted).

* For the purpose of this appeal, we assume that the date appearing on his motion 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).

The district court ultimately denied Jackson's motion for extension of time to file a notice of appeal. Because Jackson's notice of appeal was untimely filed and Jackson failed to obtain an extension or reopening of the appeal period, we dismiss the appeal. We further deny Jackson's motion to disqualify Judges Motz, Davis, and Wynn. 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