

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 13-6969**

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EUGENE DWAYNE GREEN, a/k/a Eugene D. Green,  
Petitioner - Appellant,

v.

A. J. PADULA, Warden, Lee Correctional Institution,  
Respondent - Appellee.

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Appeal from the United States District Court for the District of  
South Carolina, at Anderson. G. Ross Anderson, Jr., Senior  
District Judge. (8:08-cv-00713-GRA)

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Submitted: October 22, 2013

Decided: October 25, 2013

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Before WILKINSON, NIEMEYER, and THACKER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Eugene Dwayne Green, Appellant Pro Se. Melody Jane Brown,  
Assistant Attorney General, Donald John Zelenka, Senior  
Assistant Attorney General, Columbia, South Carolina, for  
Appellee

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Eugene Dwayne Green seeks to appeal the district court's order accepting the recommendation of the magistrate judge and dismissing his 28 U.S.C. § 2254 (2006) petition. 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 June 4, 2009. The notice of appeal was filed on May 31, 2013.\* Because Green 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

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\* See Houston v. Lack, 487 U.S. 266, 270 (1988).

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

DISMISSED