

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-7031

ROBERT FLETCHER HERBERT,

Plaintiff - Appellant,

v.

SOUTH CAROLINA, THE STATE OF; LEXINGTON COUNTY SHERIFF
DEPT,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Columbia. Cameron McGowan Currie, District
Judge. (3:13-cv-00453-CMC)

Submitted: August 29, 2013

Decided: September 4, 2013

Before DUNCAN, AGEE, and KEENAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Robert Fletcher Herbert, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Fletcher Herbert seeks to appeal the district court's order adopting the recommendation of the magistrate judge and dismissing his 42 U.S.C. § 1983 (2006) civil rights action. 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 May 21, 2013. The notice of appeal was filed on June 24, 2013.* Because Herbert failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We deny Herbert's motion for a transcript at government expense and dispense with oral argument because the facts and legal contentions are adequately presented in the

* For the purpose of this appeal, we assume that the earlier of the two dates in 2013 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).

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

DISMISSED