

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-7490

RUDY VILLANUEVA, a/k/a Bird Road Rudy, a/k/a King Rudy,

Plaintiff - Appellant,

v.

MILDRED L. RIVERA, Warden FCI Estill; CHAPLAIN NEAL,
Supervisor of Religious Services,

Defendants - Appellees,

and

ADMINISTRATIVE REMEDY'S COMMITTEE; FEDERAL BUREAU OF
PRISONS,

Defendants.

Appeal from the United States District Court for the District of
South Carolina, at Orangeburg. Mary G. Lewis, District Judge.
(5:12-cv-00399-MGL)

Submitted: January 3, 2014

Decided: January 24, 2014

Before NIEMEYER, MOTZ, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Rudy Villanueva, Appellant Pro Se. Barbara Murcier Bowens,
Assistant United States Attorney, Columbia, South Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rudy Villanueva, a federal prisoner, seeks to appeal the district court's order accepting the recommendation of the magistrate judge and granting summary judgment to Appellees on Villanueva's 42 U.S.C. § 1983 (2006) complaint. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

When the United States or its officer or agency is a party, the notice of appeal must be filed no more than sixty days after the entry of the district court's final judgment or order, Fed. R. App. P. 4(a)(1)(B), 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 March 4, 2013. The notice of appeal was filed, at the earliest, on September 13, 2013. Because Villanueva failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal.* We

* Although Villanueva filed a Rule 4(a)(6) motion to reopen, the motion was not filed within the time period set forth in that rule.

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