

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-7612

TERRANCE SYKES,

Petitioner - Appellant,

v.

CHRISTOPHER ZYCH, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Western
District of Virginia, at Roanoke. Samuel G. Wilson, District
Judge. (7:13-cv-00207-SGW-RSB)

Submitted: March 25, 2014

Decided: March 27, 2014

Before GREGORY, KEENAN, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Terrance Sykes, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Terrance Sykes seeks to appeal the district court's orders dismissing his 28 U.S.C. § 2241 (2012) petition, denying his motion for reconsideration, and denying his motion to correct a clerical error. 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 last of the district court's orders that Sykes challenges was entered on the docket on June 5, 2013. The notice of appeal was filed on September 20, 2013.* Because Sykes failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny leave to

* 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).

proceed in forma pauperis and dismiss the appeal. 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