

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-7901

MICHAEL ELLIS EVANS,

Plaintiff - Appellant,

v.

OFFICER JEREMY JONES, Greenville County Police Department,
individual and or official capacity,

Defendant - Appellee.

Appeal from the United States District Court for the District of
South Carolina, at Greenville. J. Michelle Childs, District
Judge. (6:12-cv-00035-JMC)

Submitted: April 24, 2014

Decided: April 28, 2014

Before NIEMEYER, SHEDD, and FLOYD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Michael Ellis Evans, Appellant Pro Se. Russell W. Harter, Jr.,
CHAPMAN, HARTER & HARTER, PA, Greenville, South Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Ellis Evans seeks to appeal the district court's order adopting the magistrate judge's recommendation and denying relief on his 42 U.S.C. § 1983 (2012) complaint. 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 4, 2012. The notice of appeal was filed, at the earliest, on November 6, 2013.* Because Evans 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

* Because Evans is incarcerated, the notice of appeal is considered filed as of the date it was properly delivered to prison officials for mailing to the court. Fed. R. App. P. 4(c)(1); Houston v. Lack, 487 U.S. 266, 276 (1988). Although Evans did not indicate when he delivered his notice to prison officials for mailing, he dated it November 6, 2013. Therefore, we conclude that this is the earliest date Evans could have submitted his notice of appeal to prison officials.

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