

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 13-7944**

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LESTER O'NEIL WOODRUFF,

Petitioner - Appellant,

v.

HAROLD W. CLARKE, Director Virginia Department of  
Corrections,

Respondent - Appellee.

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Appeal from the United States District Court for the Western  
District of Virginia, at Lynchburg. Norman K. Moon, Senior  
District Judge. (6:12-cv-00072-NKM)

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Submitted: April 14, 2014

Decided: April 16, 2014

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Before WILKINSON and MOTZ, Circuit Judges, and DAVIS, Senior  
Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Lester O'Neil Woodruff, Appellant Pro Se. Rosemary Virginia  
Bourne, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond,  
Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lester O'Neil Woodruff seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2012) 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 October 23, 2013. The notice of appeal was filed on November 25, 2013.\* Because Woodruff failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny Woodruff's motion for a certificate of appealability, deny leave to proceed in forma pauperis, and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the

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\* 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 (1988).

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

DISMISSED