UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 14-6061

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DAVID FELTON,

                Petitioner - Appellant,

        v.

L. V. STEVENSON,

                Respondent - Appellee.

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Appeal from the United States District Court for the Middle
District of North Carolina, at Greensboro. James A. Beaty, Jr.,
District Judge. (1:13-cv-00960-JAB-LPA)

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Submitted: May 22, 2014   Decided: May 29, 2014

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Before TRAXLER, Chief Judge, and HAMILTON and DAVIS, Senior
Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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David Felton, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Felton seeks to appeal the district court's order construing his Fed. R. Civ. P. 60(b) motion as a successive 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 November 18, 2013. The notice of appeal was filed on December 25, 2013.[*] Because Felton failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we 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.

<u>DISMISSED</u>