

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-6140

SENTELLUS MCDONALD,

Plaintiff - Appellant,

v.

SGT. NICHOLSON,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern
District of North Carolina, at Raleigh. James C. Dever, III,
Chief District Judge. (5:13-ct-03061-D)

Submitted: March 27, 2014

Decided: April 1, 2014

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

Dismissed by unpublished per curiam opinion.

Sentellus McDonald, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sentellus McDonald seeks to appeal the district court's order dismissing his 42 U.S.C. § 1983 (2006) complaint as frivolous under 28 U.S.C. § 1915A(b) (2012) and, alternatively, for failure to exhaust administrative remedies. 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 19, 2013. The notice of appeal was filed, at the earliest, on January 21, 2014.* Because McDonald 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

* Although an inmate's notice of appeal ordinarily is deemed filed on the date he delivered it to prison authorities for mailing to the court, Houston v. Lack, 487 U.S. 266, 276 (1988), McDonald's notice of appeal does not indicate the date on which this act occurred. We conclude, however, that the notice of appeal can be deemed filed no earlier than January 21, the date McDonald signed the document.

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