

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-6647

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CURTIS JEFFREY ROBINSON,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (5:11-cr-00357-BR-2; 5:13-cv-00673-BR)

Submitted: July 24, 2014

Decided: July 29, 2014

Before FLOYD and THACKER, Circuit Judges, and DAVIS, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Curtis Jeffrey Robinson, Appellant Pro Se. Jennifer P. May-Parker, Ethan A. Ontjes, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Curtis Jeffrey Robinson seeks to appeal the district court's orders denying his 28 U.S.C. § 2255 (2012) motion and his motion for reconsideration. 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 district court entered the order denying Robinson's § 2255 motion on October 9, 2013. Robinson timely filed a motion for reconsideration, staying the appeal period until the court's denial of that motion on November 14, 2013. See Fed. R. App. P. 4(a)(4)(A); Fed. R. Civ. P. 59(e). The notice of appeal was filed on April 22, 2014.* Because Robinson

*For the purpose of this appeal, we assume that the date appearing on the envelope in which Robinson filed his notice of appeal is the earliest date it could have been properly
(Continued)

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 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

delivered to prison officials for mailing to the court. Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266 (1988).