

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-6726**

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STEVEN C. BROWN, a/k/a Steven Cory Brown,

Plaintiff - Appellant,

v.

WILLIE L. EAGLETON, Warden, all sued in their official capacity respectfully; ROBIN K. CHAVIS, Associate Warden, all sued in their official capacity respectfully; JAMES BETHEA, Classification Worker, all sued in their official capacity respectfully; ARGIE GRAVES, Grievance Clerk, all sued in their official capacity respectfully,

Defendants - Appellees.

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Appeal from the United States District Court for the District of South Carolina, at Aiken. David C. Norton, District Judge. (8:13-cv-00674-DCN)

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Submitted: August 28, 2014                      Decided: September 3, 2014

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Before WILKINSON, KING, and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Steven C. Brown, Appellant Pro Se. James Victor McDade, DOYLE, O'ROURKE, TATE & MCDADE, PA, Anderson, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Steven C. Brown seeks to appeal the district court's order adopting the magistrate judge's recommendation to dismiss his 42 U.S.C. § 1983 (2012) action against Defendants. Brown has also filed a motion for appointment of counsel. We deny Brown's motion for appointment of counsel and dismiss the appeal for lack of jurisdiction.

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 judgment was entered on the docket on November 22, 2013. Brown filed his notice of appeal on May 6, 2014.\* Accordingly, Brown's notice of appeal is untimely. Although Brown suggests that he timely filed a notice of appeal soon after receiving notice of the district court's dismissal order, Brown provides no proof that his notice of appeal was timely filed. Moreover, Brown's May 6, 2014 notice of appeal cannot satisfy the requirements for a motion for

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\* Houston v. Lack, 487 U.S. 266, 270 (1988).

extension or a reopening of the appeal period and, thus, it will not be construed as such. See Fed. R. App. P. 4(a)(5), (a)(6).

Based on the foregoing, we deny Brown's motion for appointment of counsel and dismiss the appeal for lack of jurisdiction. 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