

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-6784

RICHARD A. WALLACE, JR.,

Petitioner - Appellant,

v.

STAN YOUNG, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Jackson L. Kiser, Senior District Judge. (7:13-cv-00363-JLK-RSB)

Submitted: September 5, 2014 Decided: September 18, 2014

Before SHEDD, WYNN, and FLOYD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Richard A. Wallace, Jr., Appellant Pro Se. Craig Stallard, Assistant Attorney General, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Richard A. Wallace, Jr., seeks to appeal the district court's order dismissing as untimely 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 January 7, 2014. The notice of appeal was filed on May 14, 2014.* Because Wallace failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal and deny as moot Wallace's motion for a certificate of appealability. We dispense with oral argument because the facts and legal contentions are adequately presented

* A pro se prisoner's notice of appeal is considered filed at the moment it is delivered to prison authorities for mailing to the court. Houston v. Lack, 487 U.S. 266, 276 (1988).

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

DISMISSED