

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7143

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DECARLOS ANTONIO WRIGHT, a/k/a Carlos Wright,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, Senior District Judge. (5:12-cr-00170-H-2; 5:13-cv-00342-H)

Submitted: August 31, 2015

Decided: September 10, 2015

Before NIEMEYER, SHEDD, and KEENAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Decarlos Antonio Wright, Appellant Pro Se. Tobin Webb Lathan, OFFICE OF THE UNITED STATES ATTORNEY, Rudy E. Renfer, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Decarlos Antonio Wright seeks to appeal the district court's order adopting the recommendation of the magistrate judge and denying his 28 U.S.C. § 2255 (2012) motion and the order denying his motion for reconsideration. We dismiss the appeal.

First, Wright did not timely appeal the district court's order denying his § 2255 motion. When the United States or its officer or agency is a party, the notice of appeal must be filed no more than 60 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's order denying Wright's § 2255 motion was entered on the docket on April 7, 2014. Because Wright did not file his motion for reconsideration within 28 days of that order, his motion did not toll the 60-day appeal period. See Fed. R. App. P. 4(a)(4)(A); Fed. R. Civ. P. 59(e). Therefore, because Wright failed to file a timely notice of appeal or obtain an extension or reopening of the appeal period, his notice of appeal, filed on July 28, 2014, was untimely as to the

order denying his § 2255 motion, and we dismiss the appeal of the § 2255 order for lack of jurisdiction.

Wright's appeal is timely as to the district court's order denying his motion for reconsideration. However, on appeal, we confine our review to the issues raised in the appellant's brief. See 4th Cir. R. 34(b). Wright's informal brief does not challenge the basis for the district court's denial of reconsideration. Because Wright has forfeited appellate review of the court's order, he fails to demonstrate that the district court's denial of reconsideration is debatable. We therefore deny a certificate of appealability and dismiss the appeal of the order denying reconsideration.

Accordingly, we deny leave to proceed in forma pauperis and dismiss the appeal of both orders. 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