

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7373

HERBERT T. FRAZIER,

Petitioner - Appellant,

v.

MICHAEL MCCALL, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Charleston. J. Michelle Childs, District Judge. (2:13-cv-02279-JMC)

Submitted: February 24, 2015

Decided: April 2, 2015

Before WILKINSON, AGEE, and HARRIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Herbert T. Frazier, Appellant Pro Se. Donald John Zelenka, Senior Assistant Attorney General, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Herbert T. Frazier seeks to appeal the district court's order adopting the magistrate judge's report and recommendation and dismissing his 28 U.S.C. § 2254 (2012) petition. We dismiss the appeal for lack of jurisdiction because Frazier did not timely file a notice of appeal.

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 August 26, 2014. Frazier did not file a notice of appeal. Nor is there any indication that Frazier's motion for a certificate of appealability, which he filed prior to issuance of the district court's order and judgment, was intended to serve as a notice of appeal. Because Frazier failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny his motion for a certificate of appealability and 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