

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7445

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL ATTILIO MANGARELLA,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Frank D. Whitney, Chief District Judge. (3:06-cr-00151-FDW-DCK-3; 3:13-cv-00555-FDW)

Submitted: December 18, 2014

Decided: December 23, 2014

Before SHEDD, WYNN, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Michael Attilio Mangarella, Appellant Pro Se. Jennifer A. Youngs, Assistant United States Attorney, Benjamin Bain-Creed, Jonathan Henry Ferry, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina; Patrick M. Donley, Senior Litigation Counsel, U.S. DEPARTMENT OF JUSTICE, Washington, D.C., for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Attilio Mangarella seeks to appeal the district court's order denying his 28 U.S.C. § 2255 motion. 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's order was entered on the docket on April 22, 2014. The notice of appeal was filed, at the earliest, on August 8, 2014, beyond the extension of time period.* Because Mangarella 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

* Although Mangarella included, in materials submitted to this court, a notice of appeal he had dated June 9, 2014, the district court did not receive that document. The materials received by this court and transmitted to the district court pursuant to Fed. R. App. P. 4(d) were dated August 8, 2014.

because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED