UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 15-1046

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ALTON M. SIMMONS-BEY,

    Plaintiff - Appellant,

  v.

UNITED STATES DEPARTMENT OF JUSTICE,

    Defendant - Appellee.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (5:13-cv-00109-BR)

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Submitted: May 21, 2015   Decided: May 26, 2015

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Before MOTZ, KING, and WYNN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Alton M. Simmons-Bey, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Alton M. Simmons-Bey seeks to appeal the district court's order affirming the magistrate judge's order denying Simmons-Bey leave to proceed in forma pauperis and dismissing Simmons-Bey's civil action for failure to pay the filing fee. 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 June 12, 2013. The notice of appeal was filed on January 9, 2015. Because Simmons-Bey failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny leave to proceed in forma pauperis and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials

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

DISMISSED