

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1875

ELDER DEFORRORRA LOCUST,

Plaintiff - Appellant,

v.

ABC BOARD; BILL JOHNSON, Director, City of Kinston
Department of Public Safety; CITY OF KINSTON PUBLIC SAFETY,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of North Carolina, at Greenville. Louise W. Flanagan,
District Judge. (4:15-cv-00061-FL)

Submitted: February 25, 2016

Decided: February 29, 2016

Before SHEDD and HARRIS, Circuit Judges, and DAVIS, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Elder Deforrorra Locust, Appellant Pro Se. Scott Christopher
Hart, SUMRELL, SUGG, CARMICHAEL, HICKS & HART, PA, New Bern,
North Carolina; Timothy Patrick Carraway, James P. Cauley, III,
CAULEY PRIDGEN, PA, Wilson, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Elder Deforrorra Locust seeks to appeal the district court's order granting Defendants' motions to dismiss Locust's civil suit for failure to state a claim. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties are accorded 30 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 12, 2015. The notice of appeal was filed on September 24, 2015.* Because Locust failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we grant Appellee's motion to dismiss the appeal. We dispense with oral argument because the facts and legal

* For the purpose of this appeal, we assume that the date appearing on the notice of appeal is the earliest date it could have been properly delivered to prison officials for mailing to the court. Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266 (1988). We note that Locust also filed a premature appeal on August 4, 2015. This appeal is dismissed as interlocutory.

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

DISMISSED