

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 15-2203**

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ROBERT THOMAS PAYNE,

Plaintiff - Appellant,

v.

MICHELLE K. LEE, Deputy Under Secretary for Intellectual  
Property and Deputy Director, United States Patent and  
Trademark Office,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Alexandria. T. S. Ellis, III, Senior  
District Judge. (1:14-cv-01077-TSE-MSN)

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Submitted: April 29, 2016

Decided: May 4, 2016

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Before GREGORY and DUNCAN, Circuit Judges, and DAVIS, Senior  
Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Robert Thomas Payne, Appellant Pro Se. Dennis Carl Barghaan,  
Jr., Assistant United States Attorney, Alexandria, Virginia, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Thomas Payne seeks to appeal the district court's order dismissing his discrimination action without prejudice. 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 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 was entered on the docket on August 3, 2015. The notice of appeal was filed on October 6, 2015. Because Payne 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 because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED