

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-7233

TYRONE JOHNSON,

Petitioner - Appellant,

v.

ROY COOPER,

Respondent - Appellee.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Frank D. Whitney, Chief District Judge. (3:14-cv-00242-FDW)

Submitted: July 26, 2016

Decided: August 2, 2016

Before NIEMEYER, KING, and HARRIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Tyrone Johnson, Appellant Pro Se. Clarence Joe DelForge, III, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tyrone Johnson seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2012) federal habeas petition. We previously remanded this case to the district court for the limited purpose of determining whether the appeal period should be reopened pursuant to Fed. R. App. P. 4(a)(6). See Johnson v. Cooper, 623 F. App'x 108 (4th Cir. 2015) (No. 15-7233). On remand, the district court permitted reopening under Rule 4(a)(6), but Johnson thereafter failed to file a notice of appeal. Accordingly, we dismiss the appeal for lack of jurisdiction.

Parties are accorded 30 days after 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 Rule 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 March 31, 2015. Pursuant to its order on remand, which was entered on February 1, 2016, the district court reopened the appeal period for 14 days to allow Johnson to timely note an appeal from the dispositive order. Since then, however, Johnson has not filed anything in the district court that could be

construed as a notice of appeal. Because Johnson failed to file a timely notice of appeal after he obtained a reopening of the appeal period, and no authority permits the court to further extend or reopen the appeal period, we dismiss the appeal. We deny Johnson's application for leave to proceed in forma pauperis. 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