UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-7259

ANTHONY D. JONES,

Plaintiff - Appellant,

v.

MILDRED AVALOS; SUPERINTENDENT JOYCE KORNEGAY; JOHNNY HAWKINS,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:14-ct-03272-BO)

Submitted: July 12, 2016 Decided: July 28, 2016

Before WILKINSON, DIAZ, and HARRIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Anthony D. Jones, Appellant Pro Se. Yvonne Bulluck Ricci, Assistant Attorney General, Raleigh, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Anthony Darnell Jones seeks to appeal the district court's order dismissing his 42 U.S.C. § 1983 (2012) complaint under 28 U.S.C. § 1915(e)(2)(B) (2012). 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 June 16, 2015. Jones mailed a motion for an extension of time in which to file a notice of appeal and a notice of appeal on July 20, 2015. The court denied the motion for an extension of time, concluding that Jones did not demonstrate good cause or excusable neglect warranting such an extension.* Because Jones failed to file a

* We previously remanded this case to the district court for further factual development on the limited question of whether Jones timely filed his notice of appeal under Fed. R. App. P. 4(c)(1) and Houston v. Lack, 487 U.S. 266, 276 (1988). We also directed the court to reconsider Jones' motion for an extension of time in the event it concluded that Jones' notice of appeal was untimely. The court reasonably concluded that Jones delivered his notice of appeal to prison officials for mailing to the court on July 20, the date indicated on the postmark. We further conclude

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

---

that the court did not abuse its discretion in denying the motion for an extension of time. See United States v. Breit, 754 F.2d 526, 528-29 (4th Cir. 1985) (providing standard).