

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-7260

KEITH HENDERSON,

Plaintiff - Appellant,

v.

JAMES E. GRAHAM; STEPHEN J. MURPHY, III; A. BISHOP; KRISTINA
COOK GRAHAM; MARVIN S. ARRINGTON; W. LOUIS SANDS; HILTON
HALL; JOSE MORALES; ROBERT TOOLE; CLAY TANTRUN; RICKY
JACCOBS; SHEILA OUBRE,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of North Carolina, at Raleigh. James C. Dever III,
Chief District Judge. (5:15-ct-03003-D)

Submitted: December 28, 2015

Decided: July 15, 2016

Before THACKER and HARRIS, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Keith Henderson, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Keith Henderson seeks to appeal the district court's order dismissing this civil action pursuant to 28 U.S.C. § 1915(g) (2012). 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 May 5, 2015. The notice of appeal was filed on July 10, 2015.* Because Henderson failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny Henderson's motion for appointment of counsel, and dismiss the appeal. The motions for speedy trial and for appointment of counsel are denied. We dispense with oral argument because the

* The notice of appeal was hand-dated July 10, 2015, but not filed until July 27. Under Houston v. Lack, 487 U.S. 266 (1988), the notice of appeal is deemed filed on July 10, 2015 – the date it was presumably delivered to prison officials for mailing.

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

DISMISSED