

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 15-7641**

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GARRY SANDERS,

Petitioner - Appellant,

v.

STATE OF NORTH CAROLINA; JOSEPH LUZZI, Attorney,

Respondents - Appellees.

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Appeal from the United States District Court for the Eastern  
District of North Carolina, at Raleigh. James C. Dever, III,  
Chief District Judge. (5:14-hc-02089-D)

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Submitted: February 17, 2016

Decided: February 25, 2016

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

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Dismissed by unpublished per curiam opinion.

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Garry Sanders, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Garry Sanders seeks to appeal the district court's order dismissing his 28 U.S.C. § 2254 (2012) petition for lack of subject matter jurisdiction. 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 January 28, 2015. The notice of appeal was filed on October 13, 2015.\* Because Sanders failed to file a timely notice of appeal or obtain an extension or reopening of the appeal period, we deny leave to proceed in forma pauperis and dismiss the appeal.

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\* 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 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