

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-7801

CASEY LUCZAK,

Petitioner - Appellant,

v.

TERRY O'BRIEN, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Northern District of West Virginia, at Martinsburg. Gina M. Groh, Chief District Judge. (3:15-cv-00012-GMG-JES)

Submitted: February 23, 2016

Decided: February 26, 2016

Before MOTZ and GREGORY, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed in part and dismissed in part by unpublished per curiam opinion.

Casey Luczak, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Casey Luczak seeks to appeal the district court's orders adopting the magistrate judge's recommendation to deny relief on his 28 U.S.C. § 2241 (2012) petition, denying reconsideration pursuant to Fed. R. Civ. P. 59(e), and denying his motion for an extension of time to file his appeal. We affirm in part and dismiss in part.

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 denying Luczak's Rule 59(e) motion was entered on the docket on June 23, 2015. Luczak filed his motion for an extension of time to file his appeal on September 8, 2015, see Fed. R. App. P. 4(d), which the district court denied. On appeal, we confine our review to the issues raised in the Appellant's brief. See 4th Cir. R. 34(b). Because Luczak's informal brief does not challenge the basis for the district court's disposition of his motion for an extension of time, Luczak has forfeited appellate review of that order.

Accordingly, we grant leave to proceed in forma pauperis and affirm the district court's order denying Luczak's motion for an extension of time to file an appeal.

Because we affirm the district court's order denying the motion for an extension of time to file the appeal, we dismiss the appeal of the dismissal and reconsideration orders as untimely. We further deny Luczak's motion to amend his informal brief. 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.

AFFIRMED IN PART;
DISMISSED IN PART