Milton S.C. Mays v. Raynor Builders of Louisburg Doc. 406288525

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1966

MILTON S.C. MAYS,

Plaintiff - Appellant,

v.

RAYNOR BUILDERS OF LOUISBURG; RICHARD RAYNOR,

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-cv-00027-BO)

Submitted: November 17, 2016 Decided: November 21, 2016

Before GREGORY, Chief Judge, and MOTZ and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Milton S.C. Mays, Appellant Pro Se. Blair Kristen Beddow, BROUGHTON, WILKINS, SMITH, SUGGS & THOMPSON, PLLC, Raleigh, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

Dockets.Justia.com

PER CURIAM:

Milton S.C. Mays seeks to appeal the district court's order dismissing Mays' civil action for failure to prosecute. 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 July 17, 2015. The notice of appeal was filed on May 31, 2016. Because Mays failed to file a 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