

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6551

ROY JOHNSON, JR.,

Petitioner - Appellant,

v.

WARDEN JOSEPH MCFADDEN,

Respondent - Appellee,

and

STATE OF SOUTH CAROLINA; LIEBER CORRECTIONAL INSTITUTION,

Respondents.

Appeal from the United States District Court for the District of South Carolina, at Florence. Richard Mark Gergel, District Judge. (4:14-cv-04272-RMG)

Submitted: December 6, 2016

Decided: December 29, 2016

Before NIEMEYER, MOTZ, and KEENAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Roy Johnson, Jr., Appellant Pro Se. Donald John Zelenka, Senior Assistant Attorney General, Melody Jane Brown, Assistant Attorney General, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Roy Johnson, Jr., seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on his 28 U.S.C. § 2254 (2012) petition. 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 December 1, 2015. The notice of appeal was filed, at the earliest, on April 12, 2016. Because Johnson 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