

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7521

COREY E. JOHNSON,

Petitioner - Appellant,

v.

LORETTA K. KELLY, Warden, Sussex I State Prison,

Respondent - Appellee,

and

UNITED STATES OF AMERICA,

Respondent.

Appeal from the United States District Court for the Eastern
District of Virginia, at Richmond. James R. Spencer, Senior
District Judge. (3:07-cv-00731-JRS)

Submitted: February 16, 2017

Decided: February 22, 2017

Before GREGORY, Chief Judge, DUNCAN, Circuit Judge, and
HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Corey E. Johnson, Appellant Pro Se. Leah A. Darron, OFFICE OF
THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Corey E. Johnson seeks to appeal the district court's order denying Johnson's motions for reconsideration of the district court's order 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 March 25, 2016. The notice of appeal was filed on October 27, 2016.* Because Johnson failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny leave to proceed in forma pauperis and dismiss the appeal. We dispense with oral argument because the facts and legal

* 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).

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

DISMISSED