UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7626

JEFFREY A. PLEASANT,

Petitioner - Appellant,

v.

WENDELL W. PIXLEY, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, Senior District Judge. (3:16-cv-00416-REP-RCY)

Submitted: March 30, 2017 Decided: April 4, 2017

Before TRAXLER and WYNN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Jeffrey A. Pleasant, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jeffrey A. Pleasant seeks to appeal the district court's order construing his 28 U.S.C. § 2241 (2012) petition as a 28 U.S.C. § 2255 (2012) motion, and dismissing it as successive. We dismiss the appeal for lack of jurisdiction because Pleasant's notice of appeal was not timely filed.

In civil actions in which the federal government is not a party, 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 September 15, 2016. The notice of appeal was filed on November 10, 2016. Although the district court erroneously informed Pleasant that he had 60 days to appeal, the jurisdictional nature of the filing requirement and Pleasant's failure to file a timely notice of appeal deprive this court of jurisdiction. See id. at 214 ("[T]his Court has no authority to create equitable exceptions to jurisdictional requirements."). Accordingly, we deny leave to proceed in forma pauperis and 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