

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-6933

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

NATHAN ALLEN ENTSMINGER,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Glen E. Conrad, District Judge. (7:13-cr-00042-GEC-RSB-1; 7:14-cv-80784-GEC-RSB)

Submitted: October 30, 2017

Decided: November 16, 2017

Before WILKINSON and AGEE, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Nathan Allen Entsminger, Appellant Pro Se. Jennifer R. Bockhorst, Assistant United States Attorney, Abingdon, Virginia; Donald Ray Wolthuis, Assistant United States Attorney, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Nathan Allen Entsminger seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 (2012) motion. We grant the Government's motion and dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

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 was entered on the docket on April 6, 2017. The notice of appeal was filed, at the earliest,^{*} on June 13, 2017. Because Entsminger 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

^{*} This is the date Entsminger asserts that he placed the notice of appeal in the prison mail system. *See* Fed. R. App. P. 4(c) (prisoner's notice of appeal is deemed filed when delivered to prison officials for mailing); *Houston v. Lack*, 487 U.S. 266, 276 (1988) (same).