

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 17-7021

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WINSTON R. IRONS, a/k/a Tony,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Elkins. John Preston Bailey, District Judge. (2:12-cr-00016-JPB-RWT-1; 2:14-cv-00090-JPB-RWT)

Submitted: September 27, 2018

Decided: October 12, 2018

Before KING, AGEE, and FLOYD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Winston R. Irons, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Winston R. Irons seeks to appeal the district court's order adopting the recommendation of the magistrate judge and denying relief on his 28 U.S.C. § 2255 (2012) motion. We 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 May 2, 2017. The district court found on limited remand that Irons filed his notice of appeal on August 8, 2017. We review this factual finding for clear error, *see Ray v. Clements*, 700 F.3d 993, 1012-13 (7th Cir. 2012), and we discern no such error. Because Irons 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