

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 17-7296**

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DARIAN ANTONIO COLEMAN,

Plaintiff - Appellant,

v.

CPT ROBERT MILLER, f/k/a Lt Robert Miller, each defendant is being sued in their individual capacities at all times herein; OFC BRADLEY MILLS, each defendant is being sued in their individual capacities at all times herein; MAJOR FORD, f/k/a Cpt Ford, each defendant is being sued in their individual capacities at all times herein; RESIGNED MAJOR DANIEL DURBOSE, each defendant is being sued in their individual capacities at all times herein; WARDEN CECILA REYNOLDS, each defendant is being sued in their individual capacities at all times herein,

Defendants - Appellees.

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Appeal from the United States District Court for the District of South Carolina, at Anderson. David C. Norton, District Judge. (8:14-cv-04747-DCN)

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Submitted: February 22, 2018

Decided: February 27, 2018

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

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Affirmed in part, dismissed in part by unpublished per curiam opinion.

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Darian Antonio Coleman, Appellant Pro Se. Christy L. Scott, SCOTT & PAYNE LAW FIRM, Walterboro, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Darian Antonio Coleman appeals the district court's orders: (1) adopting the magistrate judge's recommendation and granting summary judgment in favor of Defendants; (2) denying Coleman's belatedly-filed Fed. R. Civ. P. 59(e) motion; and (3) denying Coleman's motion for an extension of time to file a notice of appeal. 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).

Although Coleman filed a motion for an extension of time to file his notice of appeal, the district court correctly denied that motion as untimely. We therefore affirm that order. The district court's order granting summary judgment was entered on August 3, 2016, and its order denying Coleman's untimely Rule 59(e) motion was entered on December 19, 2016. Coleman did not file his notice of appeal until March 25, 2017, at the earliest. Because Coleman failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we lack jurisdiction to consider the propriety of either the August 3 or December 19 orders.

Accordingly, we deny Coleman's motion to clarify the record, affirm the district court's order denying an extension of time to file a notice of appeal, and dismiss the remainder of Coleman's 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.

*AFFIRMED IN PART,  
DISMISSED IN PART*