

**UNPUBLISHED**

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

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**No. 18-1612**

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STEVEN DOUGLAS CLOUD,

Plaintiff - Appellant,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant - Appellee.

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Appeal from the United States District Court for the Northern District of West Virginia, at Martinsburg. Gina M. Groh, Chief District Judge. (3:17-cv-00035-GMG)

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Submitted: September 18, 2018

Decided: September 20, 2018

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Before WILKINSON and THACKER, Circuit Judges, and TRAXLER, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Steven Douglas Cloud, Appellant Pro Se. David E. Somers, III, Special Assistant United States Attorney, Office of the General Counsel - Region III, SOCIAL SECURITY ADMINISTRATION, Philadelphia, Pennsylvania, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Steven Douglas Cloud seeks to appeal the district court's order adopting the magistrate judge's recommendation and affirming the Commissioner's decision denying Cloud's application for disability benefits. 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 January 29, 2018. The notice of appeal was filed on May 17, 2018. Because Cloud failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we grant the Commissioner's motion to dismiss, deny Cloud's motion for summary judgment, and dismiss the appeal. We dispense with oral argument because the facts and legal

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\* Although we dismiss for lack of jurisdiction, we note that Cloud waived appellate review of the district court's order by failing to file timely specific objections to the magistrate judge's recommendation despite being warned of the consequences. *See Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985); *Thomas v. Arn*, 474 U.S. 140 (1985).

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

*DISMISSED*