

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-6959

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RODNEY EARL CANNADY, a/k/a Camp Earl,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Dever III, District Judge. (5:08-cr-00258-D-1; 5:11-cv-00367-D)

Submitted: December 18, 2018

Decided: December 21, 2018

Before AGEE, THACKER, and HARRIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Rodney Earl Cannady, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rodney Earl Cannady seeks to appeal the district court's order dismissing his Fed. R. Civ. P. 60(b) motion as a successive and unauthorized 28 U.S.C. § 2255 (2012) motion. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties are accorded 60 days after the entry of the district court's final judgment or order to note an appeal, 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 and judgment was entered on the docket on April 30, 2018. Cannady filed his notice of appeal, at the earliest, on July 12, 2018.* Because Cannady 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

* For the purposes of this appeal, we assume that the date appearing on the notice of appeal is the earliest date it could have been properly delivered to prison officials for mailing to the court. Fed. R. App. P. 4(c); *Houston v. Lack*, 487 U.S. 266, 276 (1988).