

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-1097

PHILLIP BONEY,

Plaintiff - Appellant,

v.

NC DEPARTMENT OF PUBLIC SAFETY,

Defendant - Appellee.

Appeal from the United States District Court for the Western District of North Carolina,
at Charlotte. Robert J. Conrad, Jr., District Judge. (3:17-cv-00633-RJC-DCK)

Submitted: June 18, 2019

Decided: June 20, 2019

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

Dismissed by unpublished per curiam opinion.

Phillip Boney, Appellant Pro Se. Corrine Lenore Lusic, NORTH CAROLINA
DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Phillip Boney seeks to appeal the district court's order granting summary judgment in favor of the North Carolina Department of Public Safety in Boney's employment discrimination action. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

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).

The district court's order was entered on the docket on December 20, 2018. The notice of appeal was filed on January 23, 2019. Because Boney failed to file a timely notice of appeal* or to obtain an extension or reopening of the appeal period, we deny leave to proceed in forma pauperis and 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

* Boney mailed his notice of appeal by priority express mail and it was scheduled for delivery on January 21, 2019. However, it was not received by the clerk's office until January 23, 2019, and therefore was not timely filed. *See* Fed. R. App. P 25(a)(2)(A)(i).