

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 19-6420**

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WALLACE EUGENE EVATT, JR.,

Petitioner - Appellant,

v.

WARDEN STEPHAN,

Respondent - Appellee.

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Appeal from the United States District Court for the District of South Carolina, at  
Florence. Terry L. Wooten, Senior District Judge. (4:18-cv-00994-TLW)

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Submitted: June 20, 2019

Decided: June 25, 2019

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Before NIEMEYER, AGEE, and RICHARDSON, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Wallace Eugene Evatt, Jr., Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Wallace Eugene Evatt, Jr., seeks to appeal the district court's order accepting the magistrate judge's recommendation and denying relief on his 28 U.S.C. § 2254 (2012) petition. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties are accorded thirty 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 February 5, 2019. The notice of appeal was filed on March 13, 2019.\* Because Evatt 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*

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