

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 20-6843**

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TYRELL L. JOHNSON,

Petitioner - Appellant,

v.

HAROLD W. CLARKE,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at  
Richmond. John A. Gibney, Jr., District Judge. (3:20-cv-00172-JAG-RCY)

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Submitted: October 2, 2020

Decided: October 8, 2020

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Before KING, WYNN, and HARRIS, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Tyrell L. Johnson, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tyrell L. Johnson seeks to appeal the district court's order dismissing his 28 U.S.C. § 2254 petition as successive. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

In civil cases, parties have 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 entered its order on March 27, 2020; and the notice of appeal had to be filed by Monday, April 27, 2020. *See* Fed. R. App. P. 26(a)(1)(C). Johnson filed the notice of appeal on April 28, 2020.\* Because Johnson 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 Johnson could have delivered the notice to prison officials for mailing to the court. Fed. R. App. P. 4(c)(1); *Houston v. Lack*, 487 U.S. 266, 276 (1988).