

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 20-6899**

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JASON MERRITT OVERBEY,

Petitioner - Appellant,

v.

HAROLD W. CLARKE, Director of Virginia Department of Corrections,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at  
Richmond. Henry E. Hudson, Senior District Judge. (3:19-cv-00583-HEH-RCY)

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Submitted: October 25, 2021

Decided: October 28, 2021

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Before WILKINSON, THACKER, and QUATTLEBAUM, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Jason Merritt Overbey, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jason Merritt Overbey seeks to appeal the district court’s order denying relief on his 28 U.S.C. § 2254 petition. 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 May 4, 2020. Overbey filed the notice of appeal on June 10, 2020.\* Because Overbey 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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\* The date stamps on the envelope containing the notice of appeal and a dated money order also inside in the envelope established that June 10 is the date prison officials received the notice for mailing. *See* Fed. R. App. P. 4(c)(1) (requiring declaration in compliance with 28 U.S.C. § 1746 stating date delivered to prison officials or “evidence (such as a postmark or date stamp)” establishing date); *Houston v. Lack*, 487 U.S. 266, 276 (1988).