

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-7275

ROBERT WOODWARD,

Plaintiff - Appellant,

v.

TRANSPORT OFFICER 1; TRANSPORT OFFICER 2; HAROLD CLAYBURN;
MR. SCARBOROUGH,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of North Carolina, at
Raleigh. Terrence W. Boyle, District Judge. (5:18-ct-03134-BO)

Submitted: August 31, 2022

Decided: November 7, 2022

Before NIEMEYER and RICHARDSON, Circuit Judges, and FLOYD, Senior Circuit
Judge.

Dismissed by unpublished per curiam opinion.

Robert Woodward, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Eugene Woodward seeks to appeal the district court's order denying relief in his 42 U.S.C. § 1983 action. 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 June 29, 2020. Woodward filed the notice of appeal, at the earliest, on August 21, 2020.¹ Because Woodward failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal.²

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

¹ For the purpose 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).

² We previously remanded to the district court to determine whether Woodward was entitled to reopening of the appeal period under Fed. R. App. P. 4(a)(6). On remand, the district court denied Woodward's motion to reopen the appeal period. This case was then returned to us for further consideration.