

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-7109

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

EMIL DANIEL POPESCU,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (1:17-cr-00052-LMB-2; 1:19-cv-00234-LMB)

Submitted: December 16, 2021

Decided: December 20, 2021

Before WYNN and RICHARDSON, Circuit Judges, and KEENAN, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Emil Daniel Popescu, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Emil Daniel Popescu seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 motion. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

When the United States or its officer or agency is a party in a civil case, the notice of appeal must be filed no more than 60 days after the entry of the district court's final judgment or order, Fed. R. App. P. 4(a)(1)(B), 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 7, 2021. Popescu filed the notice of appeal on July 23, 2021. Because Popescu failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny Popescu's motions for a certificate of appealability and to appoint counsel 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