

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6122

MAURICE PRESTON SCOTT,

Petitioner - Appellant,

v.

MELVIN DAVIS, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Western District of Virginia, at
Roanoke. Thomas T. Cullen, District Judge. (7:21-cv-00020-TTC-RSB)

Submitted: May 24, 2022

Decided: May 27, 2022

Before NIEMEYER, KING, and RICHARDSON, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Maurice Preston Scott, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Maurice Preston Scott seeks to appeal the district court’s order dismissing his 28 U.S.C. § 2254 petition as successive and unauthorized. 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 December 1, 2021. The envelope containing Scott’s notice of appeal is date-stamped January 26, 2022.* Because Scott 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

* While both a litigant’s certification and evidence such as a date-stamp may be used to determine the timeliness of a prisoner’s notice of appeal, Scott’s notice of appeal contained no “declaration in compliance with 28 U.S.C. § 1746—or a notarized statement—setting out the date of deposit and stating that first-class postage is being prepaid.” See Fed. R. App. P. 4(c)(1)(A); *Houston v. Lack*, 487 U.S. 266, 276 (1988) (establishing the so-called “prison mailbox rule”).