

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 22-6554**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL JAMAL TUCKER, a/k/a Jay,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of Virginia, at Roanoke. James P. Jones, Senior District Judge. (7:16-cr-00002-JPJ-1; 7:21-cv-81474-JPJ)

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Submitted: October 18, 2022

Decided: October 21, 2022

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Before WYNN and THACKER, Circuit Judges, and FLOYD, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Michael Jamal Tucker, Appellant Pro Se. Michael Andrew Baudinet, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Roanoke, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Jamal Tucker seeks to appeal the district court's order denying 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 October 18, 2021. Tucker filed the notice of appeal on May 6, 2022. Because Tucker failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny his motion for appointment of 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*