

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6811

LEANTHONY T. WINSTON,

Petitioner - Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Mark S. Davis, Chief District Judge. (2:20-cv-00323-MSD-RJK)

Submitted: November 17, 2022

Decided: November 23, 2022

Before KING, QUATTLEBAUM, and RUSHING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

LeAnthony T. Winston, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

LeAnthony T. Winston seeks to appeal the district court's order dismissing his petition for a writ of mandamus. 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 April 8, 2022. Winston filed the notice of appeal on July 10, 2022.* Because Winston failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. Further, we deny his pending motions for injunctive relief and for judicial review and relief from conviction.

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

* For the purpose of this appeal, we assume that the date appearing on the notice of appeal is the earliest date Winston could have delivered the notice to prison officials for mailing to the court. Fed. R. App. P. 4(c)(1); *Houston v. Lack*, 487 U.S. 266, 276 (1988).