

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6967

BARNEY ADRIAN DUNLAP,

Petitioner - Appellant,

v.

DAVID MITCHELL, Superintendent, Lanesboro Correctional Institution,

Respondent - Appellee.

Appeal from the United States District Court for the Western District of North Carolina, at Statesville. Martin K. Reidinger, Chief District Judge. (5:15-cv-00139-MR)

Submitted: April 20, 2023

Decided: April 24, 2023

Before KING and QUATTLEBAUM, Circuit Judges, and FLOYD, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Barney Adrian Dunlap, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Barney Adrian Dunlap seeks to appeal the district court's orders denying relief on his 28 U.S.C. § 2254 petition and denying his motion to alter or amend the judgment. 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 denying the motion to alter or amend the judgment on March 23, 2016. Dunlap filed the notice of appeal, at the earliest, on May 19, 2022, the date he certified he placed his notice of appeal in the mail. *See* Fed. R. App. P. 4(c); *Houston v. Lack*, 487 U.S. 266, 276 (4th Cir. 1988). Because Dunlap 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

* Moreover, Dunlap previously appealed the district court's orders denying his § 2254 petition and his motion to alter or amend the judgment and may not do so again.