

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 23-6039**

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DANIEL TAYLOR,

Plaintiff - Appellant,

v.

BRENDA RAVIZEE, Grievance Coordinator Wallens Ridge State Prison; ROBERTS, CO VADOC Wallens Ridge State Prison; MOORE, CO VADOC Wallens Ridge State Prison; BLEDSOE, CO VADOC Wallens Ridge State Prison; DAY, CO VADOC Wallens Ridge State Prison; MCMURRAY, CO VADOC Wallens Ridge State Prison; ZIEBKO, CO VADOC Wallens Ridge State Prison,

Defendants - Appellees.

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Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Elizabeth Kay Dillon, District Judge. (7:22-cv-00635-EKD-JCH)

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Submitted: April 20, 2023

Decided: April 25, 2023

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

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Dismissed by unpublished per curiam opinion.

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Daniel Taylor, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Daniel Taylor seeks to appeal the district court's order dismissing without prejudice his 42 U.S.C. § 1983 action.\* 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 6, 2022. Taylor filed the notice of appeal on January 9, 2023. *See Houston v. Lack*, 487 U.S. 266, 276 (1988) (establishing prison mailbox rule). Because Taylor failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. Additionally, we deny Taylor's application under the Prison Litigation Reform Act, 28 U.S.C. § 1915(b), to proceed on appeal without prepayment of fees.

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*

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\* Because the district court did not afford Taylor leave to amend, the dismissal order, although without prejudice, is a final, appealable order. *See Britt v. DeJoy*, 45 F.4th 790, 796 (4th Cir. 2022) (en banc).