

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-6365

GREGORY W. DODL,

Petitioner - Appellant,

v.

R. YOUNCE, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Western District of Virginia, at
Roanoke. James P. Jones, Senior District Judge. (7:23-cv-00032-JPJ-PMS)

Submitted: July 25, 2023

Decided: July 28, 2023

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

Dismissed by unpublished per curiam opinion.

Gregory W. Dodl, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gregory W. Dodl, a Virginia prisoner, seeks to appeal the district court's order construing his petition for compassionate release pursuant to 18 U.S.C. § 3582 as arising under 28 U.S.C. § 2254 and denying relief because § 3582 is inapplicable to state prisoners. 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 February 23, 2023. Dodl filed the notice of appeal on April 4, 2023.* Because Dodl 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

* For the purpose of this appeal, we consider the date Dodl's correctional institution received his notice of appeal as the earliest date Dodl 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).