

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-6404

WILLIAM I. MARABLE, JR.,

Plaintiff - Appellant,

v.

LIEUTENANT JACOBS, Investigator; CORRECTIONAL OFFICER; JANE DOE,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T. S. Ellis III, Senior District Judge. (1:21-cv-01131-TSE-JFA)

Submitted: July 25, 2023

Decided: July 28, 2023

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

Dismissed in part and affirmed in part by unpublished per curiam opinion.

William I. Marable, Jr., Appellant Pro Se. John P. Dunnigan, Leslie A. Winneberger, HARMAN CLAYTOR CORRIGAN & WELLMAN, Glen Allen, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William I. Marable, Jr., seeks to appeal the district court's orders granting summary judgment in favor of Defendant Lieutenant Jacobs, construing Marable's later-received filing as a motion for reconsideration, and denying reconsideration. We dismiss the appeal in part and affirm in part.

To the extent Marable seeks to appeal the district court's order granting summary judgment, we lack jurisdiction over the appeal of that order. 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 summary judgment order on January 31, 2023. Marable filed the notice of appeal on April 10, 2023.* Because Marable failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal as to the January 31 order.

Marable's notice of appeal was timely filed as to the district court's order construing his filing as a motion for reconsideration and denying reconsideration. Confining our review to the issues raised in Marable's informal brief, *see Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014) ("The informal brief is an important document; under Fourth

* For the purpose of this appeal, we assume that the date appearing on the notice of appeal is the earliest date Marable 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).

Circuit rules, our review is limited to issues preserved in that brief.”), we discern no reversible error. We therefore affirm the district court’s order. *Marable v. Jacobs*, No. 1:21-cv-01131-TSE-JFA (E.D. Va. filed Mar. 27, 2023 & entered Mar. 28, 2023).

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 IN PART,
AFFIRMED IN PART*