

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1773

BEN HOWARD SMITH,

Plaintiff - Appellant,

v.

JOSEPH K. COFFY,

Defendant - Appellee,

and

BOB ATKINSON; PERCY B. HARVIN; L. KEITH JOSEY, JR.; RONNIE
STEWART, all in their individual and official capacity;
LINDA G. WALTERS,

Defendants.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. Richard Mark Gergel, District
Judge. (2:08-cv-00201-RMG)

Submitted: November 15, 2011

Decided: November 17, 2011

Before NIEMEYER and KEENAN, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Ben Howard Smith, Appellant Pro Se. Shaun C. Kent, COFFEY
CHANDLER KENT & MCKENZIE, PA, Manning, South Carolina, for

Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ben Howard Smith appeals the district court's order accepting the recommendation of the magistrate judge and denying relief on his complaint alleging fraud, and violations of 42 U.S.C. §§ 1983, 1985 (2006), and due process. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

In a civil case, parties are accorded thirty 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's order was entered on the docket on June 13, 2011. The notice of appeal was filed on July 19, 2011. Because Smith 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 the court and argument would not aid the decisional process.

DISMISSED