

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7624

DWIGHT WHITE,

Petitioner - Appellant,

v.

ROBERT G. JONES,

Respondent - Appellee.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. L. Patrick Auld, Magistrate Judge. (1:11-cv-00773-LPA-LPA)

Submitted: February 25, 2015

Decided: March 2, 2015

Before NIEMEYER, KING, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Dwight White, Appellant Pro Se. Clarence Joe DelForge, III, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dwight White seeks to appeal the magistrate judge's order dismissing his 28 U.S.C. § 2254 (2012) petition.¹ We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

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 magistrate judge's order was entered on the docket on April 30, 2014. The notice of appeal was filed on October 21, 2014.² Because White failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny leave to proceed in forma pauperis and dismiss the appeal. We dispense with oral argument because the facts

¹ The parties consented to the jurisdiction of the magistrate judge pursuant to 28 U.S.C. § 636(c) (2012).

² For the purpose of this appeal, we assume that the date appearing on the notice of appeal is the earliest date it could have been properly delivered to prison officials for mailing to the court. Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266 (1988).

and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED