

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-6916

DARREL R. FISHER,

Plaintiff - Appellant,

v.

ELIJAH ROBERTS,

Defendant - Appellee.

No. 24-6009

DARREL R. FISHER,

Plaintiff - Appellant,

v.

ELIJAH ROBERTS,

Defendant - Appellee.

Appeals from the United States District Court for the Eastern District of North Carolina, at Raleigh. Richard E. Myers, II, Chief District Judge; Robert Boyd Jones, Jr., Magistrate Judge. (5:23-ct-03225-M-RJ)

Submitted: June 28, 2024

Decided: July 11, 2024

Before QUATTLEBAUM and HEYTENS, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Darrel R. Fisher, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated appeals, Darrel R. Fisher seeks to appeal two orders issued in his action filed pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971). For the reasons that follow, we dismiss the appeals.

In No. 23-6916, Fisher challenges the magistrate judge’s order addressing the payment of filing fees under the Prison Litigation Reform Act (“PLRA”), 28 U.S.C. § 1915(b). The district court subsequently determined that Fisher was a civil detainee who was not subject to the filing fee requirements imposed by the PLRA. We therefore dismiss No. 23-6916 as moot.

Turning to No. 24-6009, Fisher appeals the district court’s order denying his request for mandamus relief and dismissing his complaint under 28 U.S.C. § 1915(e)(2) for failure to state a claim. 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 November 7, 2023, and the appeal period expired on December 7, 2023. Fisher filed the notice of appeal on December 18, 2023.*

* For the purpose of this appeal, we assume that the date appearing on the notice of appeal is the earliest date Fisher could have delivered the notice to his institution’s internal mail system for mailing to the court. See Fed. R. App. P. 4(c)(1).

Because Fisher failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss No. 24-6009.

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