

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-6831

GEORGE PORTERFIELD, a/k/a Larry Brown,

Petitioner - Appellant,

v.

LARRY CARTLEDGE, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Beaufort.
Mary G. Lewis, District Judge. (9:16-cv-03454-MGL)

Submitted: December 19, 2024

Decided: December 27, 2024

Before KING and BERNER, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

George Porterfield, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

George Porterfield seeks to appeal the district court's order accepting the magistrate judge's recommendation, granting Respondent's motion to dismiss, dismissing Porterfield's 28 U.S.C. § 2254 petition with prejudice, and denying a certificate of appealability. 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 November 13, 2017, and the appeal period expired on January 12, 2018.¹ Porterfield filed the notice of appeal on August 16, 2024.² Because Porterfield failed to file a timely notice of appeal after receiving an extension of the appeal period, we deny his motion for a certificate of appealability and dismiss the appeal.

¹ The district court granted Porterfield an extension of time under Rule 4(a)(5) to file his notice of appeal.

² For the purpose of this appeal, we assume that the date appearing on the notice of appeal is the earliest date Porterfield 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).

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