

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-6719

ANDY L. RALSTON,

Plaintiff - Appellant,

v.

KYLE SMITH, M.D. Provider, Augusta Correctional Center; DORINDA LOKEY, formerly Dameron, RN, Augusta Health Service Administrator; LORETTA GRAHAM, ADA Coordinator, Augusta Correctional Center; VIOLA RIGGIN, CEO, VitalCore Health Strategies; ASSISTANT WARDEN NEWCOMER, Augusta Correctional Center,

Defendants - Appellees.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. James P. Jones, Senior District Judge. (7:23-cv-00348-JPJ-PMS)

Submitted: December 23, 2025

Decided: December 31, 2025

Before WILKINSON and RUSHING, Circuit Judges, and FLOYD, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Andy Lewis Ralston, Appellant Pro Se. Grace Morse-McNelis, Glen Allen, Virginia, Austin Logan Obenshain, FRITH, ANDERSON & PEAKE, PC, Roanoke, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Andy Lewis Ralston seeks to appeal the district court's order granting Defendants Graham and Newcomer's motion to dismiss and granting Defendants Smith, Riggin, and Lokey's motion for summary judgment in Ralston's 42 U.S.C. § 1983 action. 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 July 1, 2025, and the appeal period expired on July 31, 2025. Ralston filed the notice of appeal on August 20, 2025.* Because Ralston 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 this court and argument would not aid the decisional process.

DISMISSED

* For the purpose of this appeal, we assume that the postmark date appearing on the envelope containing the notice of appeal is the earliest date Ralston would 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).