

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7648

STEVE CARL CHADWICK-EL,

Plaintiff - Appellant,

v.

VERIZON WIRELESS,

Defendant - Appellee.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Roger W. Titus, District Judge. (8:09-cv-01490-RWT)

Submitted: January 19, 2010

Decided: January 27, 2010

Before NIEMEYER, KING, and DAVIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Steve Carl Chadwick-el, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Steve Carl Chadwick-el seeks to appeal the district court's order dismissing without prejudice his civil action against Verizon Wireless. 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 district court's order was entered on the docket on June 25, 2009. The notice of appeal was filed on or about August 11, 2009.* Thus, the notice of appeal was filed outside the thirty-day appeal period. Because Chadwick-el failed to

* Because Chadwick-el is incarcerated, he is deemed to have filed the notice of appeal the date he deposited it in the prison mail system. Fed. R. App. P. 4(c)(1). However, the notice of appeal does not contain a declaration or notarized statement reflecting that date, as required by Federal Rule of Appellate Procedure 4(c)(1), and the post-mark date is illegible. In determining the filing date, we have afforded Chadwick-el the presumption that he tendered the notice of appeal on August 11, 2009, five business days prior to this court's August 18, 2009 receipt thereof.

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