

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6978

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHERIDAN A. GLAZE,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Liam O'Grady, District Judge. (1:08-cr-00073-LO-1; 1:09-cv-00097-LO)

Submitted: October 13, 2010

Decided: November 12, 2010

Before NIEMEYER and AGEE, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Sheridan A. Glaze, Appellant Pro Se. Edmund P. Power, Assistant United States Attorney, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sheridan Glaze seeks to appeal the district court's order denying her 28 U.S.C.A. § 2255 (West Supp. 2010) motion and requests immediate release from custody pending her appeal. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed and, accordingly, deny Glaze's motion to stay her sentence.

When the United States or its officer or agency is a party, the notice of appeal must be filed no more than sixty days after the entry of the district court's final judgment or order, Fed. R. App. P. 4(a)(1)(B), 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 11, 2009. The notice of appeal was filed at the earliest on July 6, 2010.* Because Glaze failed to file a timely notice of appeal or to obtain an extension or reopening of the

* 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).

appeal period, we dismiss the appeal for lack of jurisdiction. Consequently, we deny Glaze's motion to stay her sentence pending 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