

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-6077**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ELIAS ECHEVERRIA-MENDEZ, a/k/a Francisco Javier Tiznado-Partida, a/k/a Martin Pineda, a/k/a Juan Lopez Pineda, a/k/a Elias Echevarria, a/k/a Elilas Mendez Echevarria,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Statesville. Richard L. Voorhees, District Judge. (5:03-cr-00048-RLV-CH-1; 5:10-cv-00109-RLV)

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Submitted: July 28, 2011

Decided: August 1, 2011

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Before SHEDD, AGEE, and DIAZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Elias Echeverria-Mendez, Appellant Pro Se. Amy Elizabeth Ray, Assistant United States Attorney, Asheville, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Elias Echeverria-Mendez seeks to appeal the district court's order dismissing as successive his 28 U.S.C.A. § 2255 (West Supp. 2010) motion. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed. 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 August 20, 2010. The notice of appeal was filed, at the earliest, on December 22, 2010.\* Because Echeverria-Mendez 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 the court and argument would not aid the decisional process.

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\* See Houston v. Lack, 487 U.S. 266, 276 (1988).

DISMISSED