

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6320

MYRON RODERICK NUNN,

Plaintiff - Appellant,

v.

ALVIN W. KELLER, JR., Secretary of the N.C. Department of Correction; CLARENCE J. DELFORGE, III, Deputy Attorney General; ORLANDO F. HUDSON, Durham County Superior Court Judge; J. B. ALLEN, Superior Court Judge; JIM HARDIN, Durham County District Attorney; MICHAEL MOORE, Durham County Assistant District Attorney; JAMES DORNFRIED, Durham County Assistant District Attorney; BILL THOMAS, Private Attorney; PHYLLIS TRANCHESE, Private Attorney; ELIZABETH COLEMAN GRAY, NCPLS Attorney; JAMES BUTCH WILLIAMS, Private Attorney; BRUCE T. CUNNINGHAM, JR., Private Attorney,

Defendants - Appellees.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Thomas David Schroeder, District Judge. (1:10-cv-00723-TDS-LPA)

Submitted: May 26, 2011

Decided: June 1, 2011

Before KING, SHEDD, and DIAZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Myron Roderick Nunn, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Myron Roderick Nunn seeks to appeal the district court's order dismissing his 42 U.S.C. § 1983 (2006) action. 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 December 1, 2010. The notice of appeal was filed on February 15, 2011.* Because Nunn 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

* 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. Luck, 487 U.S. 266 (1988).

materials before the court and argument would not aid the decisional process.

DISMISSED