

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6367

FLOYD A. WILLIAMS,

Petitioner - Appellant,

v.

ALVIN KELLER,

Respondent - Appellee.

Appeal from the United States District Court for the Western
District of North Carolina, at Asheville. Graham C. Mullen,
Senior District Judge. (1:09-cv-00029-GCM)

Submitted: August 25, 2011

Decided: August 30, 2011

Before MOTZ, DUNCAN, and KEENAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Floyd A. Williams, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Floyd A. Williams seeks to appeal the district court's order dismissing his 28 U.S.C. § 2254 (2006) petition for a writ of habeas corpus. 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 4, 2010. The notice of appeal was filed on March 7, 2011.* Thus, the notice of appeal was filed outside the thirty-day appeal period. Because Williams 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

* Because Williams 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). According to the certificate of service, Williams mailed his notice of appeal on March 7, 2011.

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

DISMISSED