

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6474

RODNEY NEIL SANSBURY,

Plaintiff - Appellant,

v.

LIEUTENANT RILEY,

Defendant - Appellee,

and

SANDRA HOLLAND,

Defendant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Richard Mark Gergel, District Judge. (3:09-cv-01074-RMG)

Submitted: July 21, 2011

Decided: July 26, 2011

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

Dismissed by unpublished per curiam opinion.

Rodney Neil Sansbury, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rodney Neil Sansbury seeks to appeal the district court's order adopting the magistrate judge's report and recommendation to dismiss for failure to prosecute. 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 November 9, 2010. The notice of appeal was filed on April 1, 2011.* Because Sansbury failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We deny Sansbury's motions for a certificate of appealability, to appoint counsel, and for itemized proceedings at the Government's expense. We dispense with oral argument because the facts and legal contentions are

* This is the date on which the prison mailroom stamped the envelope containing the notice of appeal as received. Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266 (1988).

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

DISMISSED