

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-6095

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHRISTOPHER BROCKMAN,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Henry F. Floyd, District Judge. (6:08-cr-00467-HFF-5; 6:10-cv-70152-HFF)

Submitted: April 18, 2012

Decided: April 27, 2012

Before MOTZ and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Christopher Brockman, Appellant Pro Se. Elizabeth Jean Howard, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Christopher Brockman seeks to appeal the district court's order denying his 28 U.S.C.A. § 2255 (West Supp. 2011) 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 denying Brockman's § 2255 motion was entered on the docket on February 2, 2011. Brockman's notice of appeal is dated January 6, 2012. See Houston v. Lack, 487 U.S. 266, 276 (1988). Because Brockman failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period,* we dismiss the

* Brockman filed a letter in the district court stating that he had not received the order and judgment until December 8, 2011. However, even construing the letter as a request for reopening, the district court lacked authority to reopen the appeal period as the letter was not filed within the requisite
(Continued)

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

180 days following the entry of judgment. See Fed. R. App. P. 4(a)(6).