

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-6898

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PETER KAY STERN, a/k/a Peter K. Stern,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Bryson City. Martin K. Reidinger, District Judge. (2:06-cv-00028-MR; 2:99-cr-00081-MR-1)

Submitted: September 10, 2012 Decided: September 14, 2012

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

Dismissed by unpublished per curiam opinion.

Peter Kay Stern, Appellant Pro Se. David Alan Brown, Sr., Assistant United States Attorney, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Peter Kay Stern seeks to appeal the district court's orders denying his motion to reinstate his 28 U.S.C.A. § 2255 (West Supp. 2012) motion and denying his subsequent motion for reconsideration. 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 reconsideration was entered on the docket on December 15, 2011. The notice of appeal was filed on March 16, 2012. Because Stern 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 Stern's motion for a certificate of appealability as moot. 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