

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-7041

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARCUS ROBERT WILLIAMS,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Louise W. Flanagan, District Judge. (5:07-cr-00259-FL-2; 5:10-cv-00362-FL)

Submitted: August 16, 2012

Decided: August 21, 2012

Before KING and THACKER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Marcus Robert Williams, Appellant Pro Se. Michael Gordon James, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Marcus Robert Williams seeks to appeal the district court's order denying relief on his 28 U.S.C.A. § 2255 (West Supp. 2012) motion and the district court's order denying an extension of time to note an appeal. We dismiss the appeal for lack of jurisdiction.

When the United States or its officer or agency is a party, a notice of appeal must be filed no more than sixty days after the entry of a 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 on Williams's § 2255 motion was entered on March 29, 2011. Williams's motion for an extension of time was filed on August 2, 2011.* The district court's order denying the motion was entered on August 18, 2011. Williams filed a notice of appeal from that order on June 8, 2012. Because Williams failed to file a timely notice of appeal

* This is the postmark date on the envelope in which the motion was mailed to the district court. See Houston v. Lack, 487 U.S. 266, 276 (1988) (holding that a prisoner's notice of appeal is deemed filed on the date he delivers it to prison authorities for mailing to the court).

from either order and failed to obtain an extension or reopening of either appeal period, we dismiss the 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