

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-7152**

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GREGORY ALLEN GANT,

Plaintiff - Appellant,

v.

STATE OF NORTH CAROLINA,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern  
District of North Carolina, at Raleigh. James C. Dever, III,  
Chief District Judge. (5:11-ct-03232-D)

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Submitted: September 11, 2012                      Decided: September 17, 2012

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Before MOTZ, GREGORY, and AGEE, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Gregory Allen Gant, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gregory Allen Gant seeks to appeal the district court's order dismissing his 42 U.S.C. § 1983 (2006) complaint as untimely. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties in cases in which the United States is not involved 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 Gant seeks to appeal was entered on the docket on May 31, 2012. We deem Gant's notice of appeal to have been filed no earlier than July 5, 2012, the date he signed it. See Fed. R. App. P. 4(c)(1); Houston v. Lack, 487 U.S. 266 (1988). Thus, Gant's notice of appeal was five days late. Because Gant failed to file a timely notice of appeal or 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 presented in the

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

DISMISSED