

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 13-6054**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ERICKA L. FLOOD, a/k/a Ericka Lomick,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Max O. Cogburn, Jr., District Judge. (3:10-cr-00124-MOC-2; 3:12-cv-00186-MOC)

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Submitted: September 6, 2013

Decided: September 16, 2013

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Before MOTZ, KING, and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Ericka L. Flood, Appellant Pro Se. Kurt William Meyers, Assistant United States Attorney, Charlotte, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ericka L. Flood seeks to appeal the district court's order granting the Government's motion for summary judgment and dismissing her 28 U.S.C.A. § 2255 (West Supp. 2013) motion. We granted a limited remand for further factual development on the issue of whether Flood noted a timely appeal. United States v. Flood, No. 13-6054, 2013 WL 1943792 (4th Cir. May 13, 2013) (unpublished). After reviewing the district court's additional findings, we conclude that the notice of appeal was not timely filed and dismiss the appeal for lack of jurisdiction.

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 was entered on the docket on August 8, 2012. The notice of appeal was filed on January 7,

2013.\* Because Flood failed to file a timely notice of appeal or to 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 this court and argument would not aid the decisional process.

DISMISSED

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\* We agree with the district court's assessment that January 7 is the earliest date the notice of appeal could have been properly delivered to prison officials for mailing to the court. Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266 (1988).