

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-6334**

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BRANDON MICHAEL PICKENS,

Petitioner - Appellant,

v.

BRAD PERRITT,

Respondent - Appellee.

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Appeal from the United States District Court for the Western District of North Carolina, at Asheville. Frank D. Whitney, Chief District Judge. (1:13-cv-00277-FDW)

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Submitted: May 29, 2014

Decided: June 10, 2014

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Before WILKINSON, NIEMEYER, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Brandon Michael Pickens, Appellant Pro Se. Clarence Joe DelForge, III, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Brandon Michael Pickens seeks to appeal the district court's order dismissing his 28 U.S.C. § 2254 (2012) petition for a writ of habeas corpus. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties 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 was entered on the docket on December 19, 2013. Pickens subsequently filed his notice of appeal on February 18, 2014.\* Because Pickens failed to file a timely notice of appeal and the district court denied Pickens' motion for an extension of the appeal period, finding that he did not demonstrate good cause or excusable neglect as required by Rule 4(a)(5), we dismiss the appeal. Further, we deny leave to proceed in forma pauperis and deny Pickens' motion for a

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\* For the purpose of this appeal, we assume that the date appearing on the notice of appeal is the earliest date it 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).

certificate of appealability. 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