

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7371

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WILLIAM ANTHONY YOUNG,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Cameron McGowan Currie, Senior District Judge. (3:02-cr-00216-CM; 3:14-cv-01682-CMC)

Submitted: February 25, 2015

Decided: March 3, 2015

Before NIEMEYER, KING, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

William Anthony Young, Appellant Pro Se. William Kenneth Witherspoon, Assistant United States Attorney, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William Anthony Young seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 (2012) motion. 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 was entered on the docket on June 24, 2014. The notice of appeal was filed on August 26, 2014.* Because Young failed to file a timely notice of appeal, and the district court denied Young's 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

* 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).

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