

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-7430**

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ANDREW DRAYTON, JR.,

Petitioner - Appellant,

v.

STATE,

Respondent - Appellee.

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Appeal from the United States District Court for the District of South Carolina, at Rock Hill. Richard M. Gergel, District Judge. (0:14-cv-01573-RMG)

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Submitted: January 8, 2015

Decided: January 23, 2015

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Before SHEDD, DIAZ, and THACKER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Andrew Drayton, Jr., Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Andrew Drayton, Jr., seeks to appeal the district court's order accepting the recommendation of the magistrate judge and dismissing his 28 U.S.C. § 2254 (2012) petition without prejudice. 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 July 7, 2014. The notice of appeal was filed on September 25, 2014. Because Drayton failed to file a timely notice of appeal or obtain an extension or reopening of the appeal period, we dismiss the appeal. We deny Drayton's motion to expedite as moot and deny his motion for appointment of counsel. 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