

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7059

DOMINIQUE HERMAN ADAMS,

Plaintiff - Appellant,

v.

J.S. HORNE, Correctional Officer; C/O ROLLINS,

Defendants - Appellees,

and

PRIVATE PRISON MANAGEMENT CORPORATION, Operates Wallens
Ridge State Prison; TOWN OF BIG STONE GAP WARDEN'S OFFICE;
MANAGEMENT AND TRAINING CORPORATION,

Defendants.

Appeal from the United States District Court for the Western
District of Virginia, at Roanoke. Pamela Meade Sargent,
Magistrate Judge. (7:15-cv-00168-PMS)

Submitted: September 29, 2016

Decided: October 4, 2016

Before SHEDD, KEENAN, and HARRIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Dominique Herman Adams, Appellant Pro Se. Nancy Hull Davidson,
Assistant Attorney General, Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dominique Herman Adams seeks to appeal the magistrate judge's¹ final order in favor of some Defendants following a bench trial in Adams' 42 U.S.C. § 1983 (2012) action.² We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties are accorded 30 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 magistrate judge's order was entered on the docket on June 9, 2016. The notice of appeal was filed on August 2, 2016.³

¹ The parties consented to proceed before a magistrate judge pursuant to 28 U.S.C. § 636(c) (2012).

² Insofar as Adams' informal brief seeks review of the magistrate judge's order denying his Fed. R. Civ. P. 60(b) motion, his notice of appeal and unsuccessful motion to reopen did not fairly appeal that order, and his appellate brief is not a timely substitute for a notice of appeal. See Fed. R. App. P. 3(c)(1)(B), 4(a)(1)(A), (4)(A)(vi), (B)(ii); Jackson v. Lightsey, 775 F.3d 170, 176-77 (4th Cir. 2014).

³ 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 (Continued)

Because Adams failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We deny Adams' motions for transcripts at government expense. 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

the court. Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266 (1988).