

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-6359**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TERRANCE JERMAINE HODGE,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (5:08-cr-00059-BR-1; 5:09-cv-00503-BR)

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Submitted: July 27, 2010

Decided: August 5, 2010

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Before TRAXLER, Chief Judge, and WILKINSON and KEENAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Terrance Jermaine Hodge, Appellant Pro Se. Eric David Goulian, OFFICE OF THE UNITED STATES ATTORNEY, Rudolf A. Renfer, Jr., Stephen Aubrey West, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Terrance Jermaine Hodge seeks to appeal the district court's order denying Hodge's motion to vacate his sentence pursuant to 28 U.S.C.A. § 2255 (West Supp. 2010). 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 December 3, 2009. The notice of appeal was filed on March 1, 2010.\* Because Hodge 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 Hodge's motion for a certificate of

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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).

appealability. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED