

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-6074**

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LINART RANDOLPH,

Petitioner - Appellant,

v.

MCKEITHER BODISON, Warden,

Respondent - Appellee.

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Appeal from the United States District Court for the District of South Carolina, at Columbia. R. Bryan Harwell, District Judge. (3:10-cv-00162-RBH)

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Submitted: May 19, 2011

Decided: May 24, 2011

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

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Dismissed by unpublished per curiam opinion.

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Linart Randolph, Appellant Pro Se. Donald John Zelenka, Deputy Assistant Attorney General, Columbia, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Linart Randolph seeks to appeal the district court's order dismissing his 28 U.S.C. § 2254 (2006) petition. 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 10, 2011. The notice of appeal was filed on January 12, 2011.\* Because Randolph failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately

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\* The envelope in which the notice of appeal was mailed indicates it was received by the prison mailroom on January 12, 2011, and the notice is considered filed on that date. Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266 (1988). The notice of appeal indicates Randolph signed it on January 11, 2011, which was also after the thirty day appeal period expired.

presented in the materials before the court and argument would not aid the decisional process.

DISMISSED