

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6100

JAMIN MAZYCK,

Petitioner - Appellant,

v.

WARDEN OF BROAD RIVER CORRECTIONAL INSTITUTION,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Henry F. Floyd, District Judge. (3:10-cv-00389-HFF)

Submitted: May 19, 2011

Decided: May 24, 2011

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

Dismissed by unpublished per curiam opinion.

Jamin Mazyck, Appellant Pro Se. William Edgar Salter, III, Assistant Attorney General, Donald John Zelenka, Deputy Assistant Attorney General, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jamin Mazyck seeks to appeal the district court's order adopting the recommendation of the magistrate judge and dismissing as untimely 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 14, 2010. The notice of appeal was filed on January 18, 2010.* Mazyck filed a motion for an extension of time, but withdrew the motion before the district court ruled on it. Because Mazyck 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

* For the purpose of this appeal, we assume the date Mazyck's signature on the notice of appeal was notarized is the earliest date it could have been properly delivered to prison officials for mailing to the court. Fed. R. App. 4(c); Houston v. Lack, 487 U.S. 266 (1988).

facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED