

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6725

RUSSELL LEON DAVID, SR.,

Plaintiff - Appellant,

v.

JON E. OZMINT, Director, South Carolina Department of
Corrections; DONALD R. SAMPSON, Dr.; A. G. ALEWINE, Dr.; K.
MCCULLOUGH, Nurse; S. SHERMAN, Nurse,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Beaufort. R. Bryan Harwell, District Judge.
(9:10-cv-01976-RBH)

Submitted: September 11, 2012 Decided: September 14, 2012

Before WILKINSON, NIEMEYER, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Russell Leon David, Sr., Appellant Pro Se. Mason Abram Summers,
RICHARDSON, PLOWDEN & ROBINSON, PA, Columbia, South Carolina,
for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Russell Leon David, Sr. seeks to appeal the district court's order adopting the magistrate judge's report and recommendation, which advised summary judgment in favor of the Defendants named in David's 42 U.S.C. § 1983 (2006) action. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

In a civil case where the United States, a federal agency, or a federal officer is not a party, the notice of appeal must be filed no more than thirty days after the entry of the district court's final judgment or order, 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).

Here, the district court's order was entered on the docket on April 12, 2011. As the district court has subsequently determined, David did not file a notice of appeal as to that order until May 31, 2011. Because David 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 presented in the materials before the court and argument would not aid the decisional process.

DISMISSED