

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-1243

ZACHARY KNOTTS,

Plaintiff - Appellant,

v.

JOLYNN MARRA, West Virginia Inspector General's Office; BILL J. CROUCH, West Virginia Department of Health and Human Resources Director; JOHN LOPEZ, West Virginia Department of Health and Human Resources Director; CRAIG BLAIR, West Virginia President of the Senate; EVAN JENKINS, West Virginia Chief of Supreme Court; PATRICK RYAN, West Virginia CEO of Sharpe Hospital; JOHN SNYDER, West Virginia State Forensic Coordinator at West Virginia Sharpe Hospital; JOHN D. JUSTICE, M.D., West Virginia Statewide Forensic Medical Director; ROGER GLEN HANSHAW, West Virginia Speaker of the House; PATRICK MORRISEY, Attorney General of the State of West Virginia; LESLIE THORNTON, West Virginia Medical Inspector; MARK SPANGLER, West Virginia Medical Board Director; WEST VIRGINIA UNIVERSITY MEDICINE LITIGATING COUNCIL MEMBERS JANE AND JOHN DOE 1 TO 10; WEST VIRGINIA FORENSIC MENTAL HYGIENE EXAMINERS JANE AND JOHN DOE 1 TO 10; SHARPE HOSPITAL WORKERS JANE AND JOHN DOE 1 TO 10; JANE AND JOHN DOE 1 TO 10; ENTITIES ABC TO XYZ, (entities yet to be named); DR. SUSAN CHOBY; CHRISTINA MULLINS, West Virginia Commissioner, Bureau for Behavioral Health; FAIRMONT FEDERAL CREDIT UNION,

Defendants - Appellees.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. Thomas E. Johnston, Chief District Judge. (2:21-cv-00176)

Submitted: September 14, 2023

Decided: September 18, 2023

Before WILKINSON, GREGORY, and RICHARDSON, Circuit Judges.

Dismissed in part, affirmed in part by unpublished per curiam opinion.

Zachary Knotts, Appellant Pro Se. Geoffrey A. Cullop, Kelly Pawlowski, PULLIN, FOWLER, FLANAGAN, BROWN & POE, PLLC, Charleston, West Virginia; Christopher Starr Etheredge, STEPTOE & JOHNSON PLLC, Charleston, West Virginia; Charles R. Bailey, Samuel Martin Bloom, BAILEY & WYANT, PLLC, Charleston, West Virginia; Chelsea Virginia Brown, BOWLES RICE, LLP, Morgantown, West Virginia; Melissa G. Foster Bird, NELSON MULLINS RILEY & SCARBOROUGH, LLP, Huntington, West Virginia; Trisha A. Gill, LITCHFIELD CAVO LLP, Pittsburgh, Pennsylvania, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Zachary Knotts seeks to appeal the district court's order accepting in part and rejecting in part the magistrate judge's recommendation and dismissing Knotts' amended complaint for failure to state a claim and the court's subsequent order denying as moot his motion to proceed in forma pauperis on appeal. Defendants Craig Blair and Roger Glen Hanshaw have moved to dismiss the appeal. We grant the motion in part, dismiss the appeal in part, and affirm in part.

To the extent Knotts seeks to appeal the dismissal of his amended complaint, we lack jurisdiction over the appeal. In civil cases, parties have 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 district court entered its order dismissing the amended complaint on February 18, 2022, and subsequently extended the appeal period until May 5, 2022. Knotts filed the instant notice of appeal on March 6, 2023. Although Knotts previously noted a timely appeal from the district court's dismissal of his amended complaint, that appeal was dismissed for failure to prosecute, and Knotts has not established good cause for reinstating that appeal. *See* 4th Cir. R. 45. We therefore grant the motion to dismiss as to this portion of the appeal.

Knotts' notice of appeal was timely filed as to the district court's order denying as moot Knotts' motion to proceed in forma pauperis on appeal, which "is an appealable

order.” *Roberts v. U.S. Dist. Ct.*, 339 U.S. 844, 845 (1950) (per curiam). We discern no reversible error in the district court’s denial of that motion, and we therefore affirm the district court’s order. *Knotts v. Marra*, No. 2:21-cv-00176 (S.D. W. Va. Feb. 6, 2023).

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 IN PART,
AFFIRMED IN PART*