

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-7086

BILAL A. AL-HAQQ, Michael Dion McFadden,

Plaintiff - Appellant,

v.

ASSOCIATE WARDEN JOSEPH CANNING, in his individual and official capacity; WARDEN EVONNE WILLINGHAM, in her individual and official capacity; ASSOCIATE WARDEN ELAINE FREEMAN, in her individual and official capacity; MAJOR JONATHAN WILLIAMS, in his individual and official capacity; CAPTAIN VALERIE THOMAS, in her individual and official capacity; DHO DEDRIC WILLIAMS, in his individual and official capacity; SERGEANT MICHAEL HARRIS, in his individual and official capacity; IGC JENNIFER FRANKLIN, in her individual and official capacity,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Donald C. Coggins, Jr., District Judge. (2:20-cv-03233-DCC)

Submitted: January 30, 2024

Decided: February 6, 2024

Before KING, AGEE, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Bilal A. Al-Haqq, Appellant Pro Se. Ellore Ann Ganes, Evan Michael Sobocinski, HOOD
LAW FIRM, LLC, Charleston, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bilal A. Al-Haqq seeks to appeal the district court's order adopting the recommendation of the magistrate judge, denying his summary judgment motion, and granting in part and denying in part Defendants' summary judgment motion filed in his 42 U.S.C. § 1983 civil action. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

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 on September 1, 2022. Al-Haqq filed the notice of appeal on October 13, 2023.* Because Al-Haqq 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 this court and argument would not aid the decisional process.

DISMISSED

* For the purpose of this appeal, we assume that the date appearing on the notice of appeal is the earliest date Al-Haqq could have delivered the notice to prison officials for mailing to the court. Fed. R. App. P. 4(c)(1); *Houston v. Lack*, 487 U.S. 266, 276 (1988).