

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-6716

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROBERT ALLEN MCCLINTON,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Frank D. Whitney, Senior District Judge. (3:19-cr-00394-FDW-DSC-1; 3:23-cv-00364-FDW)

Submitted: March 30, 2026

Decided: April 28, 2026

Before THACKER and HARRIS, Circuit Judges, and KEENAN, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Robert Allen McClinton, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Allen McClinton seeks to appeal the district court's order denying his 28 U.S.C. § 2255 motion. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

When the United States or its officer or agency is a party in a civil case, the notice of appeal must be filed no more than 60 days after the entry of the district court's final judgment or order, Fed. R. App. P. 4(a)(1)(B), 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 January 9, 2024, and the appeal period expired on March 11, 2024. The district court received McClinton's notice of appeal on July 22, 2024, and it was post-marked on July 18, 2024. McClinton, however, averred that he had delivered his notice of appeal to prison officials for mailing on March 5, 2024. *See* Fed. R. App. P. 4(c)(1); *Houston v. Lack*, 487 U.S. 266, 276 (1988) (establishing prison mailbox rule). We remanded the appeal to the district court for the limited purpose of determining when McClinton delivered his notice of appeal to prison officials.

After hearing from McClinton and the Government, the district court determined that McClinton's notice of appeal was filed on July 18, 2024, and was therefore untimely. We perceive no error in this conclusion. Because McClinton 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