

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 26-6093**

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CHRISTOPHER L. NEALEY,

Plaintiff - Appellant,

v.

DR. DAVID E. WHITE; RN SCOTT, Medical Supervisor; RN STORM; LPN  
MAYO,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern District of North Carolina, at  
Raleigh. Richard E. Myers, II, Chief District Judge. (5:23-ct-03215-M-RJ)

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Submitted: May 21, 2026

Decided: May 27, 2026

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Before AGEE and THACKER, Circuit Judges, and TRAXLER, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Christopher L. Nealey, Appellant Pro Se. Jennifer Dotson Maldonado, BATTEN  
MCLAMB SMITH, PLLC, Raleigh, North Carolina; Tanner J. Ray, Assistant Attorney  
General, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina,  
for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Christopher L. Nealey seeks to appeal the district court's order granting summary judgment to Defendants in Nealey's 42 U.S.C. § 1983 action. Defendants have moved to dismiss the appeal as untimely. Nealey moves for appointment of counsel and production of records to assist him in responding to Defendants' motion to dismiss. We deny Nealey's pending motions, grant the motion to dismiss, and 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 30, 2025, and the appeal period expired on October 30, 2025. Nealey filed the notice of appeal, at the earliest, on January 9, 2026. Thus, Nealey failed to file a timely notice of appeal. Moreover, Nealey did not obtain or request an extension or reopening of the appeal period. Although Nealey claims in his filings on appeal that he underwent shoulder surgery in September 2025 that prevented him from timely appealing the district court's order, he did not request an extension of the appeal period within the applicable limitations period, *see* Fed. R. App. P. 4(a)(5)(A), or otherwise claim that he did not receive timely notice of the district court's order thus warranting a reopening of the appeal period, *see* Fed. R. App. P. 4(a)(6).

Accordingly, we deny Nealey's pending motions, including his motion for appointment of counsel and production of records. Because Nealey failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we grant Defendants' motion to dismiss and 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*