UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 26-6653

WALTER BRITT GARRISON

Petitioner - Appellant,

v.

STATE OF NORTH CAROLINA,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Richard E. Myers, II, Chief District Judge. (5:25-hc-02176-M)

Submitted: August 27, 2026 Decided: September 1, 2026

Before KING, HEYTENS, and BENJAMIN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Walter Britt Garrison, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Walter Britt Garrison seeks to appeal the district court's order dismissing his 28 U.S.C. § 2254 petition as untimely. 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 judgment on April 10, 2026, and the appeal period expired on May 11, 2026.[1] Garrison filed the notice of appeal on May 14, 2026.[2] Because Garrison 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

[1] Because the 30th day fell on Sunday, May 10, 2026, Garrison had until Monday, May 11, to timely file his notice of appeal. Fed. R. App. P. 26(a)(1)(C).

[2] In a declaration of inmate filing attached to his notice of appeal, Garrison averred that this is the date he delivered the notice to prison officials for mailing to the court. Fed. R. App. P. 4(c)(1)(A)(i); *see Houston v. Lack*, 487 U.S. 266, 276 (1988).