

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-8220

SHAHEEN CABBAGESTALK,

Plaintiff - Appellant,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS; JON OZMINT;
CHAPLAIN VAN BEBBER, Lieber Head Chaplain; HEADQUARTERS
CHAPLAIN, in Columbia,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Columbia. Sol Blatt, Jr., Senior District
Judge. (3:08-cv-02718-SB)

Submitted: March 3, 2010

Decided: April 2, 2010

Before MICHAEL, DUNCAN, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Shaheen Cabbagestalk, Appellant Pro Se. William J. Thrower,
STUCKEY LAW OFFICES, PA, Charleston, South Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shaheen Cabbagestalk seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on his 42 U.S.C. § 1983 (2006) action. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties are accorded thirty 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's judgment was entered on the docket on September 18, 2009. Cabbagestalk's notice of appeal was deposited in the prison's internal mail system on November 12, 2009. See Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266, 276 (1988). Because Cabbagestalk failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. Cabbagestalk's motion to comply is denied. We dispense with oral argument because the facts and legal contentions are adequately presented in the

materials before the court and argument would not aid the
decisional process.

DISMISSED