

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 19-7760

CHASE ADAM MARSH,

Petitioner - Appellant,

v.

LESLIE FLEMING, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, Senior District Judge. (3:19-cv-00099-REP-RCY)

Submitted: May 19, 2020

Decided: May 21, 2020

Before NIEMEYER, HARRIS, and RICHARDSON, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Chase Adam Marsh, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Chase Adam Marsh, a state prisoner, seeks to appeal the district court's order granting Respondent's motion to dismiss and dismissing Marsh's 28 U.S.C. § 2254 (2018) petition. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties are accorded 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's order was entered on the docket on October 11, 2019. The notice of appeal was filed on November 16, 2019.* Because Marsh 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 it could have been delivered to prison officials for mailing to the court. Fed. R. App. P. 4(c); *Houston v. Lack*, 487 U.S. 266, 276 (1988).

FILED: July 28, 2020

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O R D E R

The court denies the petition for rehearing.

Entered at the direction of the panel: Judge Niemeyer, Judge Harris, and
Judge Richardson.

For the Court

/s/ Patricia S. Connor, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

CHASE ADAM MARSH,

Petitioner,

v.

Civil Action No. 3:19CV99

LESLIE FLEMING,

Respondent.

FINAL ORDER


In accordance with the accompanying Memorandum Opinion, it is hereby ORDERED that:

1. Respondent's Motion to Dismiss (ECF No. 11) is granted;
2. Marsh's \$ 2254 Petition is denied;
3. A certificate of appealability is denied; and,
4. The action is dismissed.

Any appeal from this decision must be taken by filing a written notice of appeal with the Clerk of the Court within thirty (30) days of the date of entry hereof. Failure to file a timely notice of appeal may result in the loss of the right to appeal.

The Clerk of the Court is directed to send a copy of this Final Order to Marsh and counsel of record.

It is so ORDERED.

/s/ 
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: October 11, 2019

**Additional material
from this filing is
available in the
Clerk's Office.**