

UNPUBLISHED**UNITED STATES COURT OF APPEALS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

No. 20-7704

RUFUS LAWSON, JR.,

Plaintiff - Appellant,

v.

OFFICER WEST, Transportation; DR. NSEKENENE KOLONGO,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Robert G. Doumar, Senior District Judge. (2:17-cv-00404-RGD-RJK)

Submitted: July 1, 2021

Decided: July 9, 2021

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

Dismissed by unpublished per curiam opinion.

Rufus Lawson, Jr., Appellant Pro Se. Jeff W. Rosen, PENDER & COWARD, PC, Virginia Beach, Virginia; Grace Morse-McNelis, SANDS ANDERSON, PC, Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rufus Lawson, Jr., seeks to appeal the district court's order granting summary judgment to Defendants in Lawson's 42 U.S.C. § 1983 suit. 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 its order on June 6, 2019. Lawson filed the notice of appeal on November 9, 2020.* Because Lawson failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We grant Lawson's motions to amend/correct and deny his motion for subpoenas. 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 postmark date appearing on the envelope containing the notice of appeal is the earliest date Lawson could have delivered the undated notice to prison officials for mailing to the court. Fed. R. App. P. 4(c)(1); *Houston v. Lack*, 487 U.S. 266, 276 (1988).

FILED: July 9, 2021

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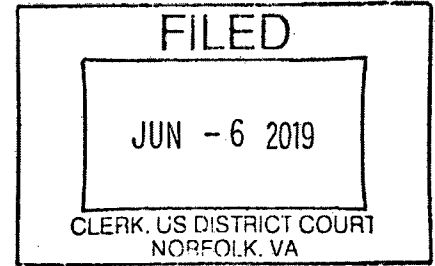
J U D G M E N T

In accordance with the decision of this court, this appeal is dismissed.

This judgment shall take effect upon issuance of this court's mandate in
accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



RUFUS LAWSON, JR.,

Plaintiff/
Consolidated Plaintiff,

v.

ACTION NO. 2:17cv404 (lead case)
ACTION NO. 2:17cv540

OFFICER WEST,

Defendant/
Consolidated Defendant,

and

DR. NSEKENENE KOLONGO,

Consolidated Defendant.

DISMISSAL ORDER

This matter is before the Court on the following motions filed by *pro se* Plaintiff Rufus Lawson, Jr. ("Plaintiff"), Defendant Officer West ("Officer West"), and/or Defendant Dr. Nsekenene Kolongo ("Dr. Kolongo"):

- (i) Plaintiff's Motion to Compel, ECF No. 143;
- (ii) Plaintiff's Motion to Amend, ECF No. 222;
- (iii) Officer West's Amended Motion for Summary Judgment, ECF No. 183; and
- (iv) Dr. Kolongo's Motion for Summary Judgment, ECF No. 175.

The Court concludes that oral argument is unnecessary because the facts and legal arguments are adequately presented in the briefs. For the reasons set forth below, Plaintiff's Motion to Compel, ECF No. 143, is **DENIED**; Plaintiff's Motion to Amend, ECF No. 222, is **DISMISSED**