**UNPUBLISHED**

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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**No. 10-6155**

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STEVEN E. TARPLEY,

Plaintiff - Appellant,

v.

LIEUTENANT ROBERT FRIEND, Sergeant; OFFICER LINDBURG, are sued in both their individual and official capacities,

Defendants - Appellees.

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Appeal from the United States District Court for the District of Maryland, at Baltimore. Benson Everett Legg, District Judge. (1:08-cv-01240-BEL)

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Submitted: March 23, 2011 Decided: April 7, 2011

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Before TRAXLER, Chief Judge, and WILKINSON and KEENAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Steven E. Tarpley, Appellant Pro Se. Glenn William Bell, OFFICE OF THE ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Steven E. Tarpley seeks to appeal the district court's orders denying relief on his 42 U.S.C. § 1983 (2006) complaint and subsequent Fed. R. Civ. P. 59(e) motion to alter or amend the judgment. 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 order denying the Rule 59(e) motion was entered on the docket on December 17, 2009, and the thirty-day appeal period expired on January 19, 2010.[*] Because Tarpley's notice of appeal was undated, and the record did not otherwise reveal when he gave the notice to prison officials for mailing, we remanded this case to the district court for additional fact-finding on the question of whether Tarpley

[*] The thirtieth day was Saturday, January 16, 2010. However, taking into account the weekend and the Martin Luther King, Jr., holiday, Tarpley had until Tuesday, January 19, 2010, in which to file a timely notice of appeal. See Fed. R. App. P. 26(a)(1) (explaining effect of weekend days and legal holidays).

timely filed his notice of appeal. See Tarpley v. Friend, 390 F. App'x 235 (4th Cir. 2010) (No. 10-6155). The district court determined that, in the absence of a response from Tarpley, the postmark date of January 21, 2010, provided the best evidence of when Tarpley handed his notice of appeal to prison officials for mailing to the court.

After reviewing the record, as supplemented, we find no basis to disturb the district court's finding of fact. Accordingly, we conclude that the notice of appeal was untimely filed on January 21, 2010. Because Tarpley 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 the court and argument would not aid the decisional process.

DISMISSED