

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-7214

DARNELL ALONZO KEYES,

Plaintiff - Appellant,

versus

RENA KAUFFMAN; PEARL VISION CENTER,
Incorporated,

Defendants - Appellees.

Appeal from the United States District Court for the District of Maryland, at Baltimore. J. Frederick Motz, District Judge. (1:07-cv-01149-JFM)

Submitted: January 17, 2008

Decided: January 24, 2008

Before TRAXLER, SHEDD, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Darnell Alonzo Keyes, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Darnell Alonzo Keyes appeals the district court's order denying as untimely his motion for reconsideration of its order dismissing his breach of contract action against Defendants. We find that although the district court only considered the motion as one filed under Fed. R. Civ. P. 59(e), it should have been construed instead as one filed under Fed. R. Civ. P. 60(b) because it was filed more than ten days after entry of judgment. See Fed. R. Civ. P. 59(e), 60; In re Burnley, 988 F.2d 1, 2-3 (4th Cir. 1992). Because Keyes' motion failed to demonstrate any grounds that would entitle him to relief pursuant to Rule 60(b), however, we find that the district court did not abuse its discretion in dismissing the motion. See Heyman v. M.L. Mktg. Co., 116 F.3d 91, 94 (4th Cir. 1997) (stating standard of review). Accordingly, we affirm the district court's order. See Keyes v. Kauffman, No. 1:07-cv-01149-JFM (D. Md. August 3, 2007). 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.

AFFIRMED