

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1774

DESHANTA HINTON,

Plaintiff - Appellant,

v.

LANHAM FORD MOTOR COMPANY; PAUL TIMKO, Special Agent for the
FBI; KAREN NESTER, Special Agent for the FBI; UNKNOWN FBI
AGENTS; UNITED STATES DEPARTMENT OF JUSTICE, Federal Bureau
of Investigation,

Defendants - Appellees,

and

JOHN DOE, General Manager, Lanham Ford Motor Company,

Defendant.

Appeal from the United States District Court for the District of
Maryland, at Greenbelt. Alexander Williams, Jr., District
Judge. (8:05-cv-02425-AW)

Submitted: February 19, 2009

Decided: February 23, 2009

Before WILKINSON, DUNCAN, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

DeShanta Hinton, Appellant Pro Se. Charles Henry Henderson, John
Paul Lynch, MCNAMEE, HOSEA, JERNIGAN, KIM, GREENAN & WALKER, PA,

Greenbelt, Maryland; Ariana Wright Arnold, Assistant United States Attorney, Baltimore, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

DeShanta Hinton appeals from the district court's order denying her motion to extend the time for filing a notice of appeal from the district court's final ruling in Hinton's 42 U.S.C. § 1983 (2000) proceeding. Hinton asserted that she never received notice of the district court's judgment. However, under Fed. R. App. P. 4(a)(6), a court may only reopen the time to file an appeal in these circumstances when the motion to reopen is filed within either 180 days after the judgment or order is entered or within seven days after the moving party receives notice, whichever is earlier. Here, the final order was entered on May 16, 2007; Hinton admits that she received notice on February 14, 2008; however, she did not file her motion to reopen until March 24. Thus, because both time periods in Rule 4(a)(6) had already expired, the district court was without jurisdiction to reopen the appeal period. Accordingly, we affirm the district court's order. 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