

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1799

JAMES R. FARLEY, d/b/a F D Electrical Mining Equipment
Company,

Plaintiff - Appellant,

v.

PITTSTON COAL COMPANY; EASTERN ASSOCIATED COAL CORPORATION;
STERLING SMOKELESS COAL COMPANY; JAMES CONLEY JUSTICE, d/b/a
Beckley Management Company; LAWRENCE C. RATLIFF,

Defendants - Appellees.

Appeal from the United States District Court for the Southern
District of West Virginia, at Beckley. Thomas E. Johnston,
District Judge. (5:93-cv-00484)

Submitted: October 21, 2008

Decided: October 23, 2008

Before MICHAEL, TRAXLER, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

James R. Farley, Appellant Pro Se. Thomas John Hurney, Jr.,
Clifford Forrest Kinney, Jr., JACKSON & KELLY, PLLC, Charleston,
West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James R. Farley seeks to appeal the district court's order denying Farley's motion to reopen this 1994 civil action. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

The time limits for noting an appeal in a civil case are set forth in Rule 4(a) of the Federal Rules of Appellate Procedure, which effectuates 28 U.S.C. § 2107 (2000). See Bowles v. Russell, 127 S. Ct. 2360, 2363 (2007). 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). A failure to file a notice of appeal in accordance with § 2107 deprives the appellate court of jurisdiction. Bowles, 127 S. Ct. at 2366.

The district court's order was entered on the docket on April 11, 2008. The notice of appeal was filed on July 21, 2008. Because Farley 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