UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1999

GERTRUDE CORETTA FENNELL HAMILTON,

Plaintiff - Appellant,

v.

DAYCO PRODUCTS, LLC; MARK IV INDUSTRIES,

Defendants – Appellees,

and

LIBERTY MUTUAL INSURANCE COMPANY,

Defendant.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Patrick Michael Duffy, Senior District Judge. (2:07-cv-02782-PMD)

Submitted: February 18, 2010 Decided: February 23, 2010

Before WILKINSON, MICHAEL, and KING, Circuit Judges.

Affirmed in part; dismissed in part by unpublished per curiam opinion.

Gertrude Coretta Fennell Hamilton, Appellant Pro Se. Susanna Hancock Murray, OGLETREE, DEAKINS, NASH, SMOAK & STEWART, PC, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gertrude Coretta Fennell Hamilton appeals from the district court's adverse grant of summary judgment in her employment discrimination action, and its denial of her motion for reconsideration. As a preliminary matter, Hamilton's appeal is timely only as to the denial of her motion for reconsideration, which motion properly is construed pursuant to Fed. R. Civ. P. 60(b). See Fed. R. App. P. 4(a)(4)(A); see generally Dove v. CODESCO, 569 F.2d 807, 809 (4th Cir. 1978). As to the district court's denial of that motion, we find no abuse of discretion. See MLC Automotive, LLC v. Town of S. Pines, 532 F.3d 269, 277 (4th Cir. 2008) (standard of review).

Accordingly, we affirm the district court's denial of Hamilton's motion for reconsideration, and dismiss for lack of jurisdiction Hamilton's appeal from the underlying judgment. 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 IN PART;
DISMISSED IN PART