

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-1157

THREE S DELAWARE, INCORPORATED; SCOTT R. STEELE,

Appellants,

and

STEELE SOFTWARE SYSTEMS CORPORATION (A Maryland
Corporation),

Plaintiff,

v.

DATAQUICK INFORMATION SYSTEMS, INCORPORATED (A Delaware
Corporation),

Defendant - Appellee,

and

STEELE SOFTWARE SYSTEMS CORPORATION,

Defendant,

BRANCH BANKING & TRUST COMPANY; BANK OF AMERICA, NA;
THOMAS & LIBOWITZ, PA; WHITEFORD, TAYLOR & PRESTON, LLP;
CAYMAN ARTS, INCORPORATED; 3S DEVELOPMENT, LLC; MENETA
STEELE; SCOTT STEELE; STEELESOFT, INCORPORATED; STEELESOFT
MANAGEMENT, LLC; 3S/REALSERV, INCORPORATED; IAUTOMORTGAGE
CORPORATION; OFFERINGS, LLC; OFFERINGS DIRECT, LLC; 3S/REAL
PRO CORPORATION,

Garnishees.

No. 10-1161

In Re: THREE S DELAWARE, INCORPORATED,

Debtor.

THREE S DELAWARE, INCORPORATED; SCOTT R. STEELE,

Plaintiffs - Appellants,

v.

AMERICAN ARBITRATION ASSOCIATION; VENABLE LLP; JAMES E.
GRAY; STEPHEN E. MARSHALL; DORSEY & WHITNEY LLC; JAMES W.
CONSTABLE; DATAQUICK INFORMATIONS SERVICES, INCORPORATED;
BEVERLY ANN JOHNSON,

Defendants - Appellees.

Appeals from the United States District Court for the District
of Maryland, at Baltimore. J. Frederick Motz, District Judge.
(1:05-cv-02017-JFM; 1:09-cv-00051-JFM)

Submitted: December 9, 2010 Decided: December 29, 2010

Before WILKINSON, KING, and WYNN, Circuit Judges.

No. 10-1157 dismissed; No. 10-1161 affirmed by unpublished per
curiam opinion.

Erik S. Jaffe, ERIK S. JAFFE, P.C., Washington, D.C.; Yale R.
Spector, YALE R. SPECTOR, L.L.C., Lutherville, Maryland, for
Appellants. G. Stewart Webb, Jr., Andrew Gendron, Michael J.
De Vinne, VENABLE, L.L.P., Baltimore, Maryland; Beverly Johnson,
ROBERTSON & THOMMARSON, L.L.P., Santa Ana, California;

Matthew B. Ruble, MATTHEW B. RUBLE, P.A., Frederick, Maryland,
for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In No. 10-1157, Three S Delaware, Inc., and Scott R. Steele ("Three S") appeal from the district court's order denying a number of motions in the underlying civil action. The Appellee, DataQuick Information Systems, Inc., has moved to dismiss this 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). This appeal period is "mandatory and jurisdictional." Browder v. Director, Dep't of Corr., 434 U.S. 257, 264 (1978); see also Bowles v. Russell, 551 U.S. 205, 214 (2007) ("Today we make clear that the timely filing of a notice of appeal in a civil case is a jurisdictional requirement.").

The district court's judgment was entered on the docket on September 23, 2009. The notice of appeal, filed February 3, 2010, was late. Because the Appellants failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we grant DataQuick's motion to dismiss No. 10-1157.

In No. 10-1161, Three S appeals the district court's orders which, inter alia, refused to abstain from hearing the removed arbitration case and ruled that Three S's claims were barred by collateral estoppel. We have reviewed the record and the parties' briefs and we find no reversible error. Accordingly, we affirm in No. 10-1161 for the reasons stated by the district court. Three S Delaware, Inc. v. DataQuick Info. Sys., No. 1:09-cv-00051-JFM (D. Md. Sept. 23, 2009; Jan. 6, 2010). 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.

No. 10-1157 DISMISSED
No. 10-1161 AFFIRMED