

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-2281**  
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ARMAGENE ELLIS-SMITH,

Plaintiff - Appellant,

v.

MICHAEL J. ASTRUE, Commissioner of Social Security,

Defendant - Appellee,

and

SOCIAL SECURITY ADMINISTRATION,

Party-in-Interest.

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Appeal from the United States District Court for the Middle  
District of North Carolina, at Greensboro. Thomas D. Schroeder,  
District Judge. (1:08-cv-00604-TDS-WWD)

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Submitted: June 27, 2011

Decided: July 15, 2011

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Before KING, GREGORY, and KEENAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Armagene Ellis-Smith, Appellant Pro Se. Gill Paul Beck,  
Assistant United States Attorney, Greensboro, North Carolina;  
Nancy B. Salafia, Regional Counsel, Boston, Massachusetts, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Armogene Ellis-Smith seeks to appeal the district court's order adopting the recommendation of the magistrate judge and upholding the denial of Ellis-Smith's application for disability insurance benefits and supplemental security income. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

When the United States or its officer or agency is a party, the notice of appeal must be filed no more than sixty days after the entry of the district court's final judgment or order, Fed. R. App. P. 4(a)(1)(B), 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). "[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement." Bowles v. Russell, 551 U.S. 205, 214 (2007).

The district court's order was entered on the docket on September 14, 2010. The notice of appeal was filed on November 16, 2010. Because Ellis-Smith 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