

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1310

NANCY A. STARR,

Plaintiff - Appellant,

v.

COMMONWEALTH OF VIRGINIA; DEPARTMENT OF TRANSPORTATION;
JOSEPH LYLE, Trustee,

Defendants - Appellees.

Appeal from the United States District Court for the Western
District of Virginia, at Abingdon. James P. Jones, District
Judge. (1:11-cv-00003-jpj-pms)

Submitted: August 17, 2011

Decided: September 2, 2011

Before NIEMEYER, DUNCAN, and DAVIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Nancy A. Starr, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Nancy A. Starr seeks to appeal the district court's order dismissing her complaint against the Virginia Department of Transportation and other defendants as barred by sovereign immunity and res judicata. We dismiss the 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). The appeal period is tolled when a party timely files any of the motions listed in Fed. R. App. 4(a)(4). "[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 January 19, 2011. The notice of appeal was filed on March 30, 2011. Although Starr filed a motion to reconsider and a motion for relief from judgment, these motions did not toll the period for filing a notice of appeal because they were not filed within twenty-eight days of judgment. See Fed. R. Civ. P. 59(e), 60(c)(1). Because Starr 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

* To the extent that Starr may have intended the notice of appeal to apply to the district court's denial of her motions to reconsider or for relief from judgment, such an appeal would be timely; however, the district court did not abuse its discretion in denying these motions. See Heyman v. M. L. Mktg. Co., 116 F.3d 91, 94 (4th Cir. 1997) (standard of review for denial of Rule 60(b) motion).