

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-1106

SYLVIA CARAVETTA,

Plaintiff - Appellant,

v.

JAMES RIVER INSURANCE COMPANY,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Senior District Judge. (1:11-cv-00540-JCC-JFA)

Submitted: June 12, 2012

Decided: June 15, 2012

Before WILKINSON, NIEMEYER, and THACKER, Circuit Judges.

Remanded by unpublished per curiam opinion.

Sylvia Caravetta, Appellant Pro Se. Cynthia Lee Santoni,
WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, LLP, McLean,
Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sylvia Caravetta seeks to appeal the district court's order dismissing her civil complaint with prejudice. In civil actions in which the United States or its officer or agency is not a party, a notice of appeal must be filed with the district court within thirty days after entry of the district court's final judgment or order. Fed. R. App. P. 4(a)(1)(A). "[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 may extend the filing time if "a party so moves no later than 30 days after the time prescribed by . . . Rule 4(a) expires" and the party shows excusable neglect or good cause. Fed. R. App. P. 4(a)(5)(A)(i)-(ii).

The district court's order dismissing Caravetta's complaint was entered on December 21, 2011. Caravetta had thirty days, or until Friday, January 20, 2012, to file a notice of appeal. Caravetta filed her notice of appeal on Monday, January 23, 2012, thirty-three days after judgment was entered.

Although Caravetta's notice of appeal was not timely filed, it was filed within the thirty-day excusable neglect period provided by Fed. R. App. P. 4(a)(5)(A)(i). Further, the notice of appeal reflects a request for an extension of the thirty-day appeal period. Accordingly, we remand this case to the district court for the limited purpose of enabling the court

to determine whether Caravetta has shown excusable neglect or good cause warranting an extension of the appeal period. The record, as supplemented, will then be returned to this court for further consideration.

REMANDED