

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-2281

KIRK D. MATELYAN,

Plaintiff - Appellant,

v.

SAGE DINING SERVICES,

Defendant - Appellee.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Peter J. Messitte, Senior District Judge. (8:10-cv-02626-PJM)

Submitted: March 28, 2013

Decided: April 1, 2013

Before NIEMEYER, KING, and KEENAN, Circuit Judges.

Dismissed in part and affirmed in part by unpublished per curiam opinion.

Kirk D. Matelyan, Appellant Pro Se. Ryan Keith Bautz, Gregory Lee VanGeison, ANDERSON, COE & KING, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kirk D. Matelyan seeks to appeal the district court's orders resolving various discovery matters, granting summary judgment to the defendant, and denying his Fed. R. Civ. P. 60(b) motion. We dismiss for lack of jurisdiction Matelyan's appeal of the discovery orders and the grant of summary judgment because the notice of appeal was not timely filed. We affirm the denial of Matelyan's Rule 60(b) motion.

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). "[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 granting summary judgment was entered on the docket on August 24, 2012. The notice of appeal was filed on October 15, 2012. Because Matelyan failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal to the extent it challenges the grant of summary judgment and the district court's preceding orders.

Further, although Matelyan timely appealed from the order denying his Fed. R. Civ. P. 60(b) motion, we find no error

in its denial and affirm. We grant Matelyan leave to proceed in forma pauperis and deny his motion seeking leave to file a Fed. R. Civ. P. 60(a) motion. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED IN PART;
AFFIRMED IN PART