

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-1446

CURVES INTERNATIONAL, INC.,

Plaintiff,

and

CURVES OF WALKERTON; JOHN DOES 1-10, individuals whose
identities are as of yet unknown; TEAM WRIGHT LOSS GURU,
LLC; ABC CORPORATIONS 1-10,

Defendants,

and

TONI MCELVEEN,

Defendant - Appellant,

v.

VONDA HARDY; BARRY HARDY; BARVON ENTERPRISES, LLC,

Defendants - Appellees.

Appeal from the United States District Court for the Middle
District of North Carolina, at Greensboro. William L. Osteen,
Jr., Chief District Judge. (1:11-cv-00456-WO-JEP)

Submitted: July 24, 2014

Decided: July 28, 2014

Before FLOYD and THACKER, Circuit Judges, and DAVIS, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Toni McElveen, Appellant Pro Se. Robert A. Hartsoe, HARTSOE & ASSOCIATES, PC, Winston-Salem, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Toni McElveen seeks to appeal from the entry of a default judgment against her under Fed. R. Civ. P. 55(b)(2) following her failure to plead or otherwise defend against the third-party civil action and cross-claims commenced against her by Vonda Hardy, Barry Hardy, and BarVon Enterprises, LLC. 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). "[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 judgment was entered on the docket on March 31, 2014. The notice of appeal was filed on May 2, 2014. Because McElveen failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny leave to proceed in forma pauperis and dismiss the appeal. 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