

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1178

JOHN B. LASCHKEWITSCH, as Administrator for the Estate of Ben Laschkewitsch,

Plaintiff - Appellant,

v.

LINCOLN LIFE AND ANNUITY DISTRIBUTORS, INC., d/b/a Lincoln Financial Group,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:13-cv-00315-BO)

Submitted: September 17, 2015 Decided: September 23, 2015

Before NIEMEYER and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

John B. Laschkewitsch, Appellant Pro Se. Matthew Nis Leerberg, SMITH MOORE LEATHERWOOD LLP, Raleigh, North Carolina; Robert R. Marcus, SMITH MOORE LEATHERWOOD LLP, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John B. Laschkewitsch seeks to appeal the district court's order granting summary judgment in Defendant's favor. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties are accorded 30 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). If a party files in the district court any of the motions listed in Rule 4(a)(4)(A), the 30-day appeal period runs from the entry of the order disposing of the last such motion. Fed. R. App. P. 4(a)(4)(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's order was entered on the docket on September 16, 2014. Laschkewitsch timely filed a Fed. R. Civ. P. 59(e) motion to amend the judgment, which the district court denied on January 15, 2015. The notice of appeal was filed thirty-five days later, on February 19, 2015. Because Laschkewitsch failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We deny as moot the parties' pending

motions. 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