

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-2425

CALVIN LATIMER; SANDRA LATIMER,

Plaintiffs - Appellants,

v.

CITY OF CHARLOTTE,

Defendant - Appellee.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Robert J. Conrad, Jr., District Judge. (3:12-cv-00442-RJC-DSC)

Submitted: March 29, 2016

Decided: March 31, 2016

Before GREGORY and DUNCAN, Circuit Judges, and DAVIS, Senior Circuit Judge.

Dismissed in part, affirmed in part by unpublished per curiam opinion.

Calvin G. Latimer, Sandra Latimer, Appellants Pro Se. Daniel Edward Peterson, CITY ATTORNEY'S OFFICE, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Calvin and Sandra Latimer seek to appeal from the district court's April 2013 order setting aside a default in their favor and dismissing their civil lawsuit and also from the October 2015 order denying their motions in which they sought to revisit the default or file a belated appeal. We dismiss in part and affirm in part.

To the extent that the Latimers seek to appeal the district court's April 2013 order, 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). "[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 April 29, 2013. The notice of appeal was filed on October 20, 2015. Because the Latimers failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal from the April 2013 order.

The Latimers also noted an appeal from the district court's order denying their motions to revisit the default or for leave to

file an appeal out of time, for entry of default, for reconsideration, and for summary judgment. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Latimer v. Charlotte, No 3:12-cv-00442-RJC-DSC (W.D.N.C. Oct. 19, 2015). 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