UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6481

UNITED STATES OF AMERICA,

Petitioner - Appellee,

v.

ANTON JOHNSON,

Respondent - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:09-hc-02045-BO)

Submitted: August 22, 2016 Decided: August 26, 2016

Before NIEMEYER, DIAZ, and THACKER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Anton Johnson, Appellant Pro Se. G. Norman Acker, III, Jennifer P. May-Parker, Assistant United States Attorneys, Michael Bredenberg, Special Assistant United States Attorney, Raleigh, North Carolina, Michael Lockridge, Special Assistant United States Attorney, Butner, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Anton Johnson appeals the district court's order denying relief on his Fed. R. Civ. P. 60(b) motion for reconsideration of his civil commitment order. A movant seeking relief from a judgment under Rule 60(b) must make a threshold showing of "timeliness, a meritorious defense, a lack of unfair prejudice to the opposing party, and exceptional circumstances." Dowell v. State Farm Fire & Cas. Auto. Ins. Co., 993 F.2d 46, 48 (4th Cir. 1993) (internal quotation marks omitted). A Rule 60(b) must be made within "a reasonable time." Fed. R. Civ. P. 60(c)(1). We conclude that the district court did not abuse its discretion in finding that Johnson's Rule 60(b) motion, filed more than three years after entry of the civil commitment order, was untimely. See McLawhorn v. John W. Daniel & Co., 924 F.2d 535, 538 (4th Cir. 1991) (per curiam) (finding no abuse of discretion where district court denied as untimely Rule 60(b) motion filed only three or four months after original judgment). Accordingly, we affirm. 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.

AFFIRMED