

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-1750

LONNIE BENJAMIN BARBEE,

Plaintiff - Appellant,

v.

RUSSELL WICKER, Director of The Foundation; DAVID LIBERA, Technical Director of The Foundation; STEVE MATHENEY, Vice President, Isothermal Community College; THAD HARRELL, Vice President, Isothermal Community College; SALONIA THORNE, Lighting; AMY HOPPER, Human or Student Relations; WALTER DALTON, President, Isothermal Community College; ISOTHERMAL COMMUNITY COLLEGE,

Defendants - Appellees.

Appeal from the United States District Court for the Western District of North Carolina, at Asheville. Martin K. Reidinger, Chief District Judge. (1:23-cv-00138-MR-WCM)

Submitted: November 16, 2023

Decided: November 21, 2023

Before AGEE and RICHARDSON, Circuit Judges, and FLOYD, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Lonnie Benjamin Barbee, Appellant Pro Se. Wade Edward Ballard, FORD & HARRISON LLP, Spartanburg, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lonnie Benjamin Barbee seeks to appeal the district court's order dismissing as barred by res judicata Barbee's employment discrimination action against Defendants. We dismiss this appeal for lack of jurisdiction because the notice of appeal was not timely filed.

In civil cases, parties have 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 entered its judgment on June 8, 2023. Barbee filed the underlying notice of appeal on July 13, 2023. Because Barbee failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we 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