

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 11-1368

Joe S. Wesley,

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Appellant,

* Appeal from the United States

* District Court for the Eastern

* District of Arkansas.

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Crothall Services Group,

* [UNPUBLISHED]

*

Appellee.

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Submitted: October 5, 2011

Filed: October 11, 2011

Before LOKEN, BYE, and COLLTON, Circuit Judges.

PER CURIAM.

Joe S. Wesley appeals following the district court's¹ adverse grant of summary judgment in his employment-discrimination action, and the subsequent denial of his motion for reconsideration. Initially, we note that Wesley's notice of appeal is timely only as to the order denying reconsideration, see Huggins v. FedEx Ground Package Sys., Inc., 566 F.3d 771, 773 (8th Cir. 2009) (court is obligated to consider jurisdiction sua sponte when there is indication that it is lacking), because his motion was filed twenty-nine days after the entry of judgment, and thus did not toll the time

¹The Honorable Susan Webber Wright, United States District Judge for the Eastern District of Arkansas.

to appeal the underlying grant of summary judgment, see Fed. R. App. P. 4(a)(4). Finding no abuse of discretion in the denial of reconsideration under Federal Rule of Civil Procedure 60(b), see Arnold v. Wood, 238 F.3d 992, 998 (8th Cir. 2001) (Rule 60(b) movant must demonstrate exceptional circumstances justifying such relief), we affirm the district court. We also deny Wesley's motion for remand.
