

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1469

THERESA L. CHIEFFALLO-CRAIG,

Plaintiff - Appellant,

v.

RELIANCE STANDARD LIFE INSURANCE,

Defendant - Appellee.

Appeal from the United States District Court for the District of Maryland, at Baltimore. J. Frederick Motz, Senior District Judge. (1:14-cv-01199-JFM)

Submitted: June 18, 2015

Decided: June 22, 2015

Before SHEDD, DUNCAN, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Theresa L. Chieffallo-Craig, Appellant Pro Se. Joshua Bachrach, WILSON ELSEER MOSKOWITZ EDELMAN & DICKER LLP, Philadelphia, Pennsylvania, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Theresa L. Chieffallo-Craig seeks to appeal the district court's order granting summary judgment to Defendant in her civil suit brought pursuant to the Employee Retirement Income Security Act, 29 U.S.C. §§ 1001-1461 (2012). We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties in a civil action in which the United States is not a party 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 February 18, 2015. The notice of appeal was filed in the district court on April 24, 2015. Because Chieffallo-Craig failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period,* we dismiss the

* Even if the untimely notice of appeal were construed as a motion for an extension of time to file her notice under Rule 4(a)(5), we conclude that such a motion could not be granted because Chieffallo-Craig filed her notice of appeal after the 30-day excusable neglect period expired. See Dolan v. United (Continued)

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

States, 560 U.S. 605, 610 (2010) (stating that “expiration of a ‘jurisdictional’ deadline prevents the court from . . . extend[ing] that deadline”). Moreover, because Chieffallo-Craig states that she received notice of the judgment two days after it was entered, Rule 4(a)(6) does not apply.