

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-1979**

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REVEREND FRANKLIN C. REAVES, PhD; VASTENA REAVES, All other  
similarly situated,

Plaintiffs - Appellants,

v.

MULLINS, CITY OF; MARION COUNTY; W. KENNETH MCDONALD,  
individually and in his official capacity as Mayor; TERRY B.  
STRICKLAND, individually and in his official capacity as  
member of Mullins City Council; JO A. SANDERS, individually  
and in her official capacity as member of Mullins City  
Council; JAMES W. ARMSTRONG, individually and in his  
official capacity as member of Mullins City Council;  
PATRICIA A. PHILLIPS, individually and in her official  
capacity as member of Mullins City Council; D. WAYNE  
COLLINS, individually and in his official capacity as member  
of Mullins City Council; DANIEL B. SHELLEY, JR.; GEORGE  
HARDWICK, individually and in his official capacity as City  
Administrator for City of Mullins; JOHN Q. ATKINSON,  
individually and in his official capacity as member of  
Marion County Council; ELOISE W. ROGERS, individually and in  
her official capacity as member of Marion County Council;  
TOM SHAW, individually and in his official capacity as  
member of Marion County Council; ALLEN FLOYD, individually  
and in his official capacity as member of Marion County  
Council; MILTON TROY, individually and in his official  
capacity as member of Marion County Council; PEARLY BRITT,  
individually and in his official capacity as member of  
Marion County Council; ELISTA H. SMITH, individually and in  
her official capacity as member of Marion County Council;  
KENT WILLIAMS, individually and in his official capacity as  
Marion County Administrator; K. DONALD FLING, individually  
and in his official capacity as Marion County Code  
Enforcement Officer; MULLINS POLICE DEPARTMENT, CITY OF;  
RUSSELL BASS, individually and in his official capacity as  
Chief of Mullins Police Department; EDWIN ROGERS,

individually and in official capacity as City of Mullins  
Planner,

Defendants - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Florence. Terry L. Wooten, District Judge.  
(4:07-cv-03559-TLW)

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Submitted: March 31, 2011

Decided: April 4, 2011

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Before NIEMEYER, SHEDD, and AGEE, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Franklin C. Reaves and Vastena Reaves, Appellants Pro Se.  
Douglas Charles Baxter, RICHARDSON, PLOWDEN & ROBINSON, PA,  
Myrtle Beach, South Carolina; Michelle Parsons Kelley,  
RICHARDSON, PLOWDEN & ROBINSON, PA, Columbia, South Carolina;  
Robert Thomas King, WILLCOX BUYCK & WILLIAMS, PA, Florence,  
South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Appellants seek to appeal the district court's orders accepting the recommendation of the magistrate judge and denying relief on their civil action and denying their subsequent Fed. R. Civ. P. 59(e) motion for reconsideration. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties are accorded thirty 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 denying the Rule 59(e) motion was entered on the docket on December 11, 2009. The notice of appeal was filed on August 24, 2010. Appellants did not file a timely notice of appeal or obtain an extension or reopening of the appeal period. Moreover, their miscellaneous motions filed after the entry of the final order did not affect the time to file an appeal under Fed. R. Civ. P. 4(a)(4)(A). Accordingly, we dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately

presented in the materials before the court and argument would not aid the decisional process.

DISMISSED