

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-1685

KY TAN LE,

Plaintiff - Appellant,

v.

SOCIAL SECURITY ADMINISTRATION,

Defendant - Appellee,

and

U.S. CONGRESS; BARACK OBAMA, President of the United States
of America,

Defendants.

Appeal from the United States District Court for the Western
District of North Carolina, at Charlotte. Graham C. Mullen,
Senior District Judge. (3:09-cv-00137-GCM-DCK)

Submitted: August 16, 2012

Decided: August 20, 2012

Before KING and THACKER, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Ky Tan Lee, Appellant Pro Se. Lucy Albright Bezdek, SOCIAL
SECURITY ADMINISTRATION, Boston, Massachusetts, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ky Tan Le seeks to appeal the district court's order adopting the magistrate judge's recommendation, granting summary judgment for the Commissioner of Social Security, and affirming the administrative law judge's decision that Le is subject to a five-month waiting period before receiving disability insurance benefits. He also seeks to appeal the court's order denying as moot his motion for a court order. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

When the United States or its officer or agency is a party, the notice of appeal must be filed no more than sixty days after the entry of the district court's final judgment or order, Fed. R. App. P. 4(a)(1)(B), 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 orders were entered on the docket on March 18 and April 5, 2011. The notice of appeal was filed on May 18, 2012. Because Le 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 the court and argument would not aid the decisional process.

DISMISSED