

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1301

KENNETH G. SMITH,

Plaintiff - Appellant,

v.

PATRICK R. DONAHOE, Postmaster General, United States Postal Service; DR. FRANCIS COLLINS, Director, National Institute of Health; ARNE DUNCAN, Secretary of Education, U.S. Department of Education,

Defendants - Appellees.

No. 13-1494

KENNETH G. SMITH,

Plaintiff - Appellant,

v.

PATRICK R. DONAHOE, Postmaster General, United States Postal Service; DR. FRANCIS COLLINS, Director, National Institute of Health; ARNE DUNCAN, Secretary of Education, U.S. Department of Education,

Defendants - Appellees.

Appeals from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Senior District Judge. (1:12-cv-00790-JCC-TRJ)

Submitted: September 30, 2013

Decided: October 11, 2013

Before KEENAN, WYNN, and THACKER, Circuit Judges.

No. 13-1301 affirmed; No. 13-1494 dismissed by unpublished per curiam opinion.

Kenneth G. Smith, Appellant Pro Se. Edward Reynolds Wilson, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In Case No. 13-1301, Kenneth G. Smith appeals the district court's order granting Defendants' motion to dismiss for failure to state a claim and for lack of subject matter jurisdiction and for summary judgment. See Fed. R. Civ. P. 12(b)(1), (6) & 56(a). We have carefully reviewed the record and Smith's informal briefs and find no legal or factual basis to reverse the district court's order. Accordingly, we affirm.

In Case No. 13-1494, Smith appeals the district court's orders denying his motion to alter or amend the judgment and denying as moot his motion to strike. See Fed. R. Civ. P. 59(e). 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 January 23, 2013, and January 31, 2013, respectively. The

notice of appeal was filed on April 10, 2013. Because Smith failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. Smith's motions for settlement and to strike this court's prior order are denied. 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.

No. 13-1301 AFFIRMED

No. 13-1494 DISMISSED