

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-1235

RONNIE L. EDWARDS; PAULA E. NICKENS,

Plaintiffs - Appellants,

versus

ROBERTS-ROBERTS ASSOCIATES, LLC,

Defendant - Appellee,

and

MICHAEL ROBERTS; KAY GABBERT,

Defendants.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Alexander Williams, Jr., District Judge. (CA-02-4078-8-AW)

Submitted: July 29, 2005

Decided: August 25, 2005

Before MICHAEL, KING, and SHEDD, Circuit Judges.

Dismissed in part; affirmed in part by unpublished per curiam opinion.

Ronnie L. Edwards, Paula E. Nickens, Appellants Pro Se. Marie Celeste Bruce, RIFKIN, LIVINGSTON, LEVITAN & SILVER, LLC, Greenbelt, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Ronnie L. Edwards and Paula E. Nickens appeal the district court's orders granting their former employer's motion for summary judgment and denying their motion for reconsideration in their civil action in which they alleged employment discrimination and retaliation claims. We dismiss in part and affirm in part.

The court's order that granted summary judgment in favor of the employer was entered on the court's docket on March 8, 2004. Under Fed. R. App. P. 4(a)(1)(A), the Appellants had thirty days in which to appeal that order. Even if the Appellants were not aware of the court's final order until October 29, 2004, they never moved for reopening of the appeal period under Fed. R. App. P. 4(a)(6). Further, even had the Appellants explicitly requested reopening under Rule 4(a)(6)(A), the district court would have been unable to do so because the Appellants could not satisfy the time limits set forth in that subsection. Therefore, their notice of appeal filed in the district court on February 18, 2005, was untimely as to the court's order entered on March 8, 2004. We therefore dismiss the appeal as untimely as to that order.

The notice of appeal is timely as to the court's January 26, 2005 order that denied the Appellants' motion to reconsider under Fed. R. Civ. P. 60(b). We have reviewed the record and find no reversible error as to the court's denial of that motion. Accordingly, we affirm that order substantially on

the reasoning stated by the district court.* See Edwards v. Roberts-Roberts Assoc., LLC, No. CA-02-4078-8-AW (D. Md. filed Jan. 26, 2005 & entered Jan. 27, 2005). We deny the Appellants' motion to strike the Appellee's brief. 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 IN PART;
AFFIRMED IN PART

*We disagree with the district court's analysis that its local rule rendered Appellants' motion to reconsider untimely. The local rule provides: "Except as otherwise provided in Fed. R. Civ. P. 60, any motion to reconsider any order issued by the Court shall be filed with the Clerk not later than 10 days after entry of the order." Local Rule 105(10) (D. Md. 2004). Rule 60(b) provides "[t]he motion shall be made within a reasonable time" and for limited reasons "not more than one year after the judgment, order or proceeding was entered or taken." Nevertheless, we conclude that the Appellants were not entitled to relief under Rule 60(b).