

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-1237

NANCY J. NEAL,

Plaintiff - Appellant,

versus

XEROX CORPORATION,

Defendant - Appellee.

No. 98-1244

NANCY J. NEAL,

Plaintiff - Appellant,

versus

XEROX CORPORATION,

Defendant - Appellee.

Appeals from the United States District Court for the Eastern District of Virginia, at Norfolk. John A. MacKenzie and J. Calvitt Clarke, Jr., Senior District Judges. (CA-96-1235-2, CA-97-553-2)

Submitted: April 21, 1998

Decided: July 2, 1998

Before ERVIN, WILKINS, and LUTTIG, Circuit Judges.

No. 98-1237 dismissed and No. 98-1244 affirmed by unpublished per curiam opinion.

Nancy J. Neal, Appellant Pro Se. Lisa Ann Bertini, MCGUIRE, WOODS, BATTLE & BOOTHE, Norfolk, Virginia; Eva Susan Tashjian-Brown, Rodney Allen Satterwhite, MCGUIRE, WOODS, BATTLE & BOOTHE, L.L.P., Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

In these consolidated appeals Appellant appeals from the voluntary dismissal of her Title VII* complaint. (No. 98-1237). We find that Appellant's complaint was voluntarily dismissed by final order entered on June 2, 1997, and Appellant's notice of appeal was filed on February 12, 1998, which is beyond the thirty-day appeal period. Appellant's failure to note a timely appeal leaves this court without jurisdiction to consider the merits of Appellant's appeal.

Appellant further appeals the district court's order granting Appellee's motion to dismiss her second complaint filed on the same facts as the first. (No. 98-1244). We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we dismiss No. 98-1237 as untimely and we affirm No. 98-1244 on the reasoning of the district court. Neal v. Xerox Corp., Nos. CA-96-1235-2; CA-97-553-2 (E.D. Va. June 2, 1997; Jan. 15, 1998). 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.

No. 98-1237 - DISMISSED

No. 98-1244 - AFFIRMED

* Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. §§ 2000e-2000e-17 (West 1994 & Supp. 1998).