UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1433

HELEN CLIETTE HOUEY; EMMANUEL HOUEY,

Plaintiffs,

v.

TD BANK, N.A., successor by merger to and formerly known as Carolina First Bank,

Defendant - Appellee,

and

M. KATRINA SMITH,

Movant - Appellant,

v.

STEVEN G. TATE,

Trustee.

Appeal from the United States District Court for the Western District of North Carolina, at Asheville. Martin K. Reidinger, District Judge. (1:11-cv-00225-MR-DLH)

Submitted: August 16, 2013 Decided: August 28, 2013

Before NIEMEYER, FLOYD, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

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M. Katrina Smith, Appellant Pro Se. Norman J. Leonard, Lance P. Martin, WARD & SMITH, PA, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

M. Katrina Smith, executrix of Helen Cliette Houey's estate, seeks to appeal the district court's order granting summary judgment for TD Bank and dismissing Helen and Emmanuel Houey's complaint challenging the foreclosure of real property.* 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 was entered on the docket on February 5, 2013. The notice of appeal was filed on March 28, 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. We dispense with oral argument because the facts and legal contentions are adequately presented

* Smith has not appealed the district court's denial of her motion to intervene.

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

DISMISSED