

FILED: February 16, 2018  
**A**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 17-2186  
(5:15-cv-00095-BR)

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SHERIF A. PHILIPS, M.D.

Plaintiff - Appellant

v.

NORTH CAROLINA STATE; NORTH CAROLINA COURT SYSTEM; NORTH CAROLINA AGENCY; VIDANT MEDICAL CENTER, f/k/a Pitt County Memorial Hospital; PAUL BOLIN, M.D.; RALPH WHATLEY, M.D.; DAVID CREECH, Pitt County Memorial Hospital lawyer; JAY SALSMAN, Pitt County Memorial Hospital lawyer; DEBBIE MEYER, Law Firm, Cary, NC; KAREN ZANER, Law Firm, Dallas, TX; JAMES CROUSE, Law Firm, Raleigh, NC; NARDINE GUIRGUIS, Law Firm, Raleigh, NC

Defendants - Appellees

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JUDGMENT

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In accordance with the decision of this court, this appeal is dismissed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

PER CURIAM:

Sherif Philips seeks to appeal the district court's orders denying his Fed. R. Civ. P. 60(b) motion and his subsequent motion to reopen his case. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties are accorded 30 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 orders denying Philips' Rule 60(b) motion and motion to reopen were entered on the docket on June 15, 2017, and August 22, 2017, respectively. The notice of appeal was filed on September 26, 2017. Because Philips 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 this court and argument would not aid the decisional process.

*DISMISSED*

FILED: June 19, 2018

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 17-2186  
(5:15-cv-00095-BR)

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SHERIF A. PHILIPS, M.D.

Plaintiff - Appellant

v.

NORTH CAROLINA STATE; NORTH CAROLINA COURT SYSTEM;  
NORTH CAROLINA AGENCY; VIDANT MEDICAL CENTER, f/k/a Pitt  
County Memorial Hospital; PAUL BOLIN, M.D.; RALPH WHATLEY, M.D.;  
DAVID CREECH, Pitt County Memorial Hospital lawyer; JAY SALSMAN, Pitt  
County Memorial Hospital lawyer; DEBBIE MEYER, Law Firm, Cary, NC;  
KAREN ZANER, Law Firm, Dallas, TX; JAMES CROUSE, Law Firm, Raleigh,  
NC; NARDINE GUIRGUIS, Law Firm, Raleigh, NC

Defendants - Appellees

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O R D E R

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The court denies the petition for rehearing and rehearing en banc. No judge  
requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Wilkinson, Judge Floyd, and  
Judge Thacker.

For the Court.

/s/ Patricia S. Connor, Clerk

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

SHERIF A. PHILIPS, )  
Plaintiff, )  
 )  
v. )  
 )  
NORTH CAROLINA STATE, NORTH )  
CAROLINA COURT SYSTEM, NORTH )  
CAROLINA AGENCY, VIDANT )  
MEDICAL CENTER, M.D. PAUL BOLIN, )  
RALPH WHATLEY, DAVID CREECH, )  
JAY SALSMAN, DEBBIE MEYER, )  
KAREN ZANER, JAMES CROUSE AND )  
NARDINE GUIRGUIS, )  
Defendants. )

JUDGMENT  
No. 5:15-CV-95-F

Decision by Court.

This action came before the Honorable James C. Fox, Senior United States District Judge, for ruling as follows:

IT IS ORDERED, ADJUDGED AND DECREED that the motions to dismiss brought by Defendants Debbie Meyer [DE-31], Vidant Medical Center [DE-33], David Creech and Jay Salsman [DE-35], Paul Bolin and Ralph Whatley [DE-37], Karen Zaner [DE-40], James Crouse [DE-41], Nardine Guirguis [DE-45] and by the State of North Carolina, North Carolina Court System, and North Carolina Agency [DE-52] are ALLOWED. The plaintiff's claims are DISMISSED WITH PREJUDICE in their entirety. The motion for relief under Rules 59 and 60 [DE-70] is DENIED.

This judgment filed and entered on December 28, 2015, and copies to:

Sherif A. Philips (via US Mail to 753 Pine Point Road, Greenville, NC 27834)  
Kathryn H. Shields (via CM/ECF electronic notification)  
Walter G. Merritt (via CM/ECF electronic notification)  
Joseph L. Nelson (via CM/ECF electronic notification)  
John Thomas Crook (via CM/ECF electronic notification)  
F. Hill Allen, IV (via CM/ECF electronic notification)  
David S. Coats (via CM/ECF electronic notification)

DATE  
December 28, 2015

JULIE RICHARDS JOHNSTON, CLERK  
/s/ Jacqueline B. Grady  
(By) Jacqueline B. Grady, Deputy Clerk