

## APPENDIX

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*Appendix A*IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Nelson L. Bruce, )  
Plaintiff, )  
v. ) Civil Action No. 2:19-3456-BHH  
Bank of America, N.A. (A.K.A. )  
Bank of AMERICA), et al., )  
Defendant. )

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**ORDER**

Plaintiff Nelson L. Bruce (“Plaintiff” or “Bruce”) filed this pro se action on December 12, 2019, alleging violations of the Fair Credit Reporting Act (“FCRA”) against Defendant Bank of America, N.A. (“Defendant” or “Bank of America”). On August 18, 2020, he filed what was captioned as an “Amended Verified Complaint for Declaratory and Injunctive Relief,” which was docketed as a motion to amend his complaint. (ECF No. 39.) Defendant filed a response in opposition, asserting that it would be futile to permit Plaintiff to amend his pleadings because the proposed causes of action are time-barred and/or preempted by the FCRA.

In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), the matter was referred to a United States Magistrate Judge for preliminary determinations. On October 22, 2020, Magistrate Judge Kaymani D. West issued a report and recommendation (“Report”) outlining the procedural history of this action and recommending that the Court deny Plaintiff’s motion to amend. Plaintiff filed objections to the Magistrate Judge’s Report, and the matter is ripe for review.

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## Appendix A

**STANDARDS OF REVIEW****I. Magistrate Judge's Report**

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

**II. Motion to Amend**

When a movant seeks to amend his pleading and join additional parties after the scheduling order deadline for doing so has passed, the Court conducts a two-step analysis. *Dilmar Oil Co. v. Federated Mut. Ins. Co.*, 986 F. Supp. 959, 980 (D.S.C.), *aff'd sub nom. Dilmar Oil Co. v. Federated Mut. Ins. Co.*, 129 F.3d 116 (4th Cir. 1997). First, the Court considers whether the movant can demonstrate "good cause" for seeking modification of the scheduling deadline under Rule 16(b). *Id.* (emphasis in original). If the movant satisfies Rule 16(b)'s "good cause" standard, then the Court considers whether the movant can satisfy the requirements for amendment under Rule 15(a). *Smith v. United Parcel Serv., Inc.*, 902 F.Supp. 719, 720 (S.D.W.V. 1995); *Marcum v. Zimmer*, 163 F.R.D. 250-254 (S.D.W.V. 1995); *Forstmann v. Culp*, 114 F.R.D. 83, 85-86 (M.D.N.C. 1987); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604 (9th Cir. 1992).

Rule 16 of the Federal Rules of Civil Procedure assures the Court and the parties

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that “at some point both the parties and the pleadings will be fixed.” *Jordan v. E.I. du Pont de Nemours*, 867 F.Supp. 1238, 1250 (D.S.C. 1994) (citing *Johnson*, 975 F.2d at 610). Rule 16(b)’s “good cause” standard is much different than the more lenient standard contained in Rule 15(a). Rule 16(b) does not focus on the bad faith of the movant or the prejudice to the opposing party; rather, it focuses on the diligence of the party seeking leave to modify the scheduling order to permit the proposed amendment. *Smith*, 902 F.Supp. at 720; *Marcum*, 163 F.R.D. at 254; *Forstmann*, 114 F.R.D. at 85; *Johnson*, 975 F.2d at 609.

Rule 15 of the Federal Rules of Civil Procedure provides that “[t]he court should freely give leave [to amend] when justice so requires.” Fed. R. Civ. P. 15(a)(2); *Foman v. Davis*, 371 U.S. 178, 182 (1962). A motion to amend the complaint under Rule 15(a) should be made “as soon as the necessity for altering the pleading becomes apparent.” *Id.* at 41 (internal citation omitted). “The law is well settled that leave to amend a pleading should be denied only when the amendment would be prejudicial to the opposing party, there has been bad faith on the part of the moving party, or the amendment would be futile.” *Edwards v. City of Goldsboro*, 178 F.3d 231, 242 (4th Cir. 1999) (quoting *Johnson v. Oroweat Foods Co.*, 785 F.2d 503, 509 (4th Cir. 1986)) (emphasis in original). To deny a motion to amend for futility, the amendment must be “clearly insufficient on its face.” *Oroweat Foods Co.*, 785 F. Supp. 2d at 819.

**DISCUSSION**

In her Report, the Magistrate Judge first determined that Plaintiff failed to show good cause for his delay in moving to amend his complaint, and the Magistrate Judge specifically rejected Plaintiff’s argument that he was prevented from filing the claims he seeks to add

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because they were pending in state court and were only recently dismissed by the state court. Because Plaintiff is proceeding pro se, the Magistrate Judge also considered whether Plaintiff satisfied the requirements of Rule 15(a). Ultimately, the Magistrate Judge found that all of Plaintiff's proposed claims—both pursuant to FCRA and South Carolina state law—are barred by the applicable statutes of limitations, and that the FCRA preempts Plaintiff's proposed claims under the South Carolina Consumer Protection Code ("SCCPC"). Accordingly, the Magistrate Judge recommended that the Court deny Plaintiff's motion to amend.

On November 9, 2020, Plaintiff filed objections to the Magistrate Judge's Report, asserting that he no longer seeks to amend his complaint in this case because he has filed a new complaint in another civil action (No. 2:20-cv-3778). Accordingly, Plaintiff effectively consents to the denial of his motion to amend.

In addition, however, Plaintiff asserts that he does not agree with the Magistrate Judge's findings in the Report, and the Court will consider Plaintiff's objections in the interest of creating a complete record. First, Plaintiff simply repeats his argument that he demonstrated good cause under Rule 16 because the claims he seeks to add were previously pending in state court, and he wished to avoid duplicative litigation. After review, the Court finds this objection without merit and agrees with the Magistrate Judge that Plaintiff failed to offer sufficient good cause for his delay in seeking to amend his complaint for the reasons set forth by the Magistrate Judge.

Next, Plaintiff objects broadly to the Magistrate Judge's findings as to the statute of limitations. Here again, however, Plaintiff simply repeats the flawed arguments he previously made. The Magistrate Judge specifically addressed and rejected these

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arguments, and nowhere in his objections does Plaintiff point to any legal or factual error in the Magistrate Judge's analysis. After a review of the record, the Court agrees with the Magistrate Judge that Plaintiff's proposed claims are barred by the applicable statute of limitations and further that Plaintiff's proposed claims under the SCCPC are preempted by the FCRA. As such, the Court finds Plaintiff's objections wholly without merit.

**CONCLUSION**

Accordingly, the Court adopts and specifically incorporates the Magistrate Judge's Report (ECF No. 52), and the Court denies Plaintiff's motion to amend his complaint (ECF No. 39).

**IT IS SO ORDERED.**

/s/Bruce H. Hendricks

The Honorable Bruce Howe Hendricks  
United States District Judge

November 16, 2020  
Charleston, South Carolina

*Appendix B*  
**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

**No. 20-2297**

NELSON L. BRUCE,

Plaintiff - Appellant,

v.

BANK OF AMERICA, N.A., a/k/a Bank of America,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Bruce H. Hendricks, District Judge, (2:19-cv-03456-BHH-KDW)

Submitted: March 23, 2021

Decided: March 26, 2021

Before THACKER, QUATTLEBAUM, and RUSHING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Nelson L. Bruce, Appellant Pro Se. Brian Allen Calub, MCGUIREWOODS, LLP, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

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## PER CURIAM:

Nelson L. Bruce seeks to appeal the district court's order adopting the magistrate judge's recommendation and denying Bruce's motion to amend his complaint. For the reasons that follow, we dismiss the appeal.

This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291, and certain interlocutory and collateral orders, 28 U.S.C. § 1292; Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-46 (1949). Because Bruce's action remains pending in the district court, we conclude that the order Bruce seeks to appeal is not a final order. *See Ray Haluch Gravel Co. v. Cent. Pension Fund of Int'l Union of Operating Eng'r's & Participating Emp'r's*, 571 U.S. 177, 183 (2014) ("In the ordinary course a final decision is one that ends the litigation on the merits and leaves nothing for the court to do but execute the judgment." (internal quotation marks omitted)). Furthermore, because the order is neither unreviewable on appeal nor addressed to issues separate from the merits of Bruce's action, we conclude that the order is not an appealable collateral order. *See Will v. Hallock*, 546 U.S. 345, 349 (2006) (providing requirements for collateral order appeal). Finally, the order on appeal does not fall within the scope of appealable interlocutory orders listed in 28 U.S.C. § 1292.

Accordingly, we dismiss the appeal for lack of jurisdiction. 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*

*Appendix C*IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Nelson L. Bruce, )  
Plaintiff, )  
v. ) Civil Action No. 2:19-cv-3456-BHH  
Bank of America, N.A., )  
Defendant. )

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**ORDER**

Pro se Plaintiff Nelson L. Bruce ("Plaintiff" or "Bruce") initially filed this action on December 12, 2019, alleging violations of the Fair Credit Reporting Act ("FCRA") against Defendant Bank of America, N.A. ("Defendant" or "Bank of America"). On November 17, 2020, the Court adopted and incorporated a Report and Recommendation ("Report") of United States Magistrate Judge Kaymani D. West, which was made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), and which recommended denial of Plaintiff's motion to amend his complaint. (ECF No. 63.) Plaintiff appealed the Court's ruling, and the Fourth Circuit Court of Appeals denied Plaintiff's appeal in an unpublished opinion filed on March 29, 2021. (ECF No. 78.)

Subsequently, on April 30, 2021, Defendant filed a motion for summary judgment. Plaintiff filed a response in opposition; Defendant filed a reply; and Plaintiff filed a sur-reply. Defendant also filed a motion to strike Plaintiff's sur-reply. (ECF No. 99.)

On June 17, 2021, Plaintiff filed a motion to vacate a prior order entered by the Magistrate Judge, which granted in part and denied in part Defendant's motion to strike and granted Defendant's motion for a protective order. (ECF Nos. 58 and 96.) Defendant filed a response in opposition to Plaintiff's motion to vacate.

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On July 26, 2021, Plaintiff also filed a motion to vacate the Court's prior order adopting the Magistrate Judge's Report and denying Plaintiff's motion to amend. (ECF Nos. 103 and 63.) Defendant filed a response in opposition.

Subsequently, on September 23, 2021, the Magistrate Judge issued a second Report, recommending that the Court grant Defendant's motion for summary judgment and dismiss this case, and that the Court deny as untimely Plaintiff's motions to vacate and deny as moot Defendant's motion to strike. Plaintiff filed objections to the Magistrate Judge's Report; Defendant filed a response to Plaintiff's objections; and Plaintiff filed objections to Defendant's response. The matters are ripe for review, and, for the reasons set forth below, the Court adopts the Magistrate Judge's Report, thereby granting Defendant's motion for summary judgment and ending this action.

**STANDARDS OF REVIEW****I. Magistrate Judge's Report**

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

**II. Summary Judgment**

A court shall grant summary judgment if a party shows that there is no genuine

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dispute as to any material fact and the party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a). The judge is not to weigh the evidence, but rather to determine if there is a genuine issue of fact. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249 (1986). If no material factual disputes remain, then summary judgment should be granted against a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which the party bears the burden of proof. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). All evidence should be viewed in the light most favorable to the non-moving party. See *Perini Corp. v. Perini Constr., Inc.*, 915 F.2d 121, 123-24 (4th Cir. 1990).

**DISCUSSION**

In her Report, the Magistrate Judge first noted that Plaintiff has filed a number of actions in this Court related to various parties' alleged reporting of his credit scores. The Magistrate Judge explained that, in this action, Plaintiff alleges that Bank of America violated "the [FCRA] 15 USC § 1681 (b) as defined in section 604." (ECF No. 110 (quoting ECF No.1).) The Magistrate Judge thoroughly outlined the facts alleged in Plaintiff's complaint as well as Defendant's arguments in favor of summary judgment and Plaintiff's arguments in opposition. Then, after explaining the applicable law and considering the evidence presented, the Magistrate Judge found that Defendant's requests for Plaintiff's credit report satisfy both subsections (A) and (F) of 15 U.S.C. § 1681b(a)(3), and thus, that Defendant demonstrated that it had a permissible purpose in its requests for Plaintiff's

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credit reports.<sup>1</sup> The Magistrate Judge disagreed with Plaintiff that the question of whether Defendant had a permissible use is one for a jury, instead finding that it is a legal question. Ultimately, based on the finding that Defendant requested Plaintiff's credit reports for a permissible purpose under the FCRA, the Magistrate Judge recommended that the Court grant Defendant's motion for summary judgment.

In his objections to the Magistrate Judge's Report, Plaintiff first asserts that he was not served with Defendant's August 2 response in opposition to his July 26 motion to vacate, and Plaintiff objects to Defendant's response in its entirety. (See ECF No. 116 at 1-3.) Plaintiff also objects to the Magistrate Judge's finding that his motions to vacate were untimely.

Next, Plaintiff objects to the background section of the Magistrate Judge's Report, asserting that additional FRCA violations occurred. Plaintiff objects to the Magistrate Judge's Report "as being bias[ed] and prejudicial to the plaintiff," and Plaintiff summarily objects to the Magistrate Judge's analysis section "for the reasons specified in plaintiff's opposition to summary judgment and reply/surreply." (*Id.* at 5.) Additionally, Plaintiff asserts that Defendant and the Court have misinterpreted the FCRA, and Plaintiff asserts

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<sup>1</sup> Subsections (A) and (F) of 15 U.S.C. § 1681b(a)(3) provides that a consumer reporting agency may furnish a consumer report:

- (3) To a person which it has reason to believe—
  - (A) intends to use the information in connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer; or
  - (F) otherwise has a legitimate business need for the information—
    - (i) in connection with a business transaction that is initiated by the consumer; or
    - (ii) to review an account to determine whether the consumer continues to meet the terms of the account.

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that Defendant's alleged facts are not undisputed. According to Plaintiff, summary judgment is premature because more discovery is needed, and Plaintiff claims he was not served with a copy of Defendant's motion to strike his sur-reply. Plaintiff then essentially repeats the arguments presented in prior filings, and he objects to the submission of certain documents, which he contends are not originals with his wet signature. Plaintiff objects to page 10 of the Magistrate Judge's Report, asserting that he "did not initiate any new credit transactions, business transactions, nor new alleged loan[ ] transactions in regards to the alleged mortgage loan at the time of the inquiries created by BANA on May 15, May 20, and May 29 of 2017 that would grant BANA a permissible purpose to obtain plaintiff's consumer credit report . . . ." (*Id.* at 11.) Further, Plaintiff objects to the Magistrate Judge's finding that Defendant's requests for his credit report satisfy sections (A) and (F) of § 1681b(a)(3), and Plaintiff objects globally to the Report as being biased and prejudiced. Finally, Plaintiff objects to the Magistrate Judge's finding that whether a permissible use occurred is a legal question and not a factual question. In conclusion, Plaintiff states: "[T]here are clearly genuine disputes of material fact that exist regarding permissible purpose to pull plaintiff's consumer report after the account was transferred out of existence because the mortgage number was completely changed and the mortgage loan and servicing right have been sold and transferred on or before May 1, 2017 making summary judgment inappropriate as a substantive matter." (*Id.* at 15.)

After a thorough review of Plaintiff's objections, the Court finds them wholly without merit. First, the Court agrees with the Magistrate Judge that Plaintiff's motions to vacate (ECF No. 96 and 103) were both untimely filed, and the Court finds nothing in Plaintiff's objections alters this finding. Second, the Court finds that even if Plaintiff's motions to

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vacate were not untimely filed, they are improper insofar as Plaintiff simply asks the Court to change its mind.

Next, the Court finds no error in the Magistrate Judge's outline of the facts alleged in Plaintiff's complaint, and the Court also finds no error in the Magistrate Judge's analysis of the FCRA or the application of the law to the record in this case. The Court agrees with the Magistrate Judge that the question of permissible purpose is a legal question, and the Court finds unavailing Plaintiff's assertion that summary judgment is premature. Ultimately, Plaintiff's objections fail to point to any factual or legal error sufficient to alter the outcome of this case. Stated differently, Plaintiff does not point to any authority contrary to the authority outlined in the Magistrate Judge's Report; nor does he point to any competent evidence to dispute the facts cited by the Magistrate Judge in support of her findings. Rather, Plaintiff's objections largely rehash arguments the Magistrate Judge considered and rejected, and the Court finds that a de novo review of the record indicates that the Magistrate Judge's Report accurately summarized the case and the applicable law. Accordingly, the Court affirms the Magistrate Judge's Report and grants Defendant's motion for summary judgment.

**CONCLUSION**

Based on the foregoing, it is hereby ordered that Plaintiff's objections (ECF No. 116) are overruled; the Magistrate Judge's Report (ECF No. 110) is adopted and specifically incorporated herein; Defendant's motion for summary judgment (ECF No. 83) is granted; Plaintiff's motions to vacate (ECF Nos. 96 and 103) are denied as untimely; Defendant's motion to strike Plaintiff's sur-reply (ECF No. 99) is denied as moot; and this matter is ended.

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**IT IS SO ORDERED.**

/s/Bruce H. Hendricks  
United States District Judge

February 10, 2022  
Charleston, South Carolina

## UNITED STATES DISTRICT COURT

for the

District of South Carolina

Nelson Bruce

Plaintiff

v.

Bank of America, N.A., also known as Bank of  
America

Defendant

Civil Action No. 2:19-cv-03456-BHH

**JUDGMENT IN A CIVIL ACTION**

The court has ordered that (check one):

the petitioner (name) \_\_\_\_\_ recover from the respondent (name) \_\_\_\_\_ the amount of \_\_\_\_\_ dollars (\$\_\_\_\_\_), which includes prejudgment interest at the rate of \_\_\_\_ %, plus postjudgment interest at the rate of \_\_\_\_ %, along with costs.

the petitioner recover nothing, the action be dismissed on the merits, and the respondent (name) recover costs from the petitioner (name) \_\_\_\_\_.

other: It is ordered that Plaintiff's objections are overruled; the Magistrate Judge's Report is adopted. Defendant's motion for summary judgment is granted; Plaintiff's motions to vacate are denied as untimely; Defendant's motion to strike Plaintiff's sur-reply is denied as moot; and this matter is ended.

This action was (check one):

tried by a jury, the Honorable \_\_\_\_\_ presiding, and the jury has rendered a verdict.

tried by the Honorable \_\_\_\_\_ presiding, without a jury and the above decision was reached.

decided by the Honorable \_\_\_\_\_

Date: February 11, 2022*CLERK OF COURT*

s/April Dickerson

*Signature of Clerk or Deputy Clerk*

FILED: May 20, 2022

*Appendix D***UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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No. 20-2297  
(2:19-cv-03456-BHH-KDW)

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NELSON L. BRUCE

Plaintiff - Appellant

v.

BANK OF AMERICA, N.A., a/k/a Bank of America

Defendant - Appellee

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**O R D E R**

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Upon consideration of the motion to reopen and transfer this appeal, the court denies the motion.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

FILED: June 2, 2022

*Appendix E*

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 22-1431

(2:19-cv-03456-BHH)

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NELSON L. BRUCE

Plaintiff - Appellant

v.

BANK OF AMERICA, N.A., a/k/a Bank of America

Defendant - Appellee

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O R D E R

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Upon consideration of the stipulated motion to voluntarily dismiss, the court dismisses this appeal, upon such terms as have been agreed to by the parties, pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

*Appendix F*  
**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

**No. 22-1578**

NELSON L. BRUCE,

Plaintiff - Appellant,

v.

BANK OF AMERICA, N.A., a/k/a Bank of America,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Bruce H. Hendricks, District Judge. (2:19-cv-03456-BHH)

Submitted: May 5, 2023

Decided: August 31, 2023

Before THACKER, QUATTLEBAUM, and RUSHING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Nelson L. Bruce, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

*Appendix F***PER CURIAM:**

Nelson L. Bruce appeals the district court's order denying relief on his Fed. R. Civ. P. 59(d), (e) motion. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

To appeal an order disposing of a Rule 59 motion, a party must file a notice of appeal within the time prescribed by Fed. R. App. P. 4—here, 30 days. Fed. R. App. P. 4(a)(1)(A), (a)(4)(B)(ii). “[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 entered its order on April 20, 2022, and Bruce filed his notice of appeal 34 days later, on May 24, 2022. Because Bruce failed to file a timely notice of appeal, we dismiss the appeal for lack of jurisdiction. 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***

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FILED: August 31, 2023

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUITNo. 22-1578  
(2:19-cv-03456-BHH)

NELSON L. BRUCE

Plaintiff - Appellant

BANK OF AMERICA, N.A., a/k/a Bank of America

Defendant - Appellee

JUDGMENT

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

*Appendix G*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Nelson L. Bruce, )  
v. )  
Plaintiff, ) Civil Action No. 2:19-cv-3456-BHH  
v. )  
Bank of America, N.A., )  
Defendant. )  
\_\_\_\_\_  
ORDER

This matter is before the Court upon Plaintiff Nelson L. Bruce ("Plaintiff" or "Bruce") pro se motions to reopen the appeal deadline. (ECF Nos. 147 and 148.) Defendant filed a response in opposition, asserting that Plaintiff's request for an extension of the time to file a notice of appeal falls outside the parameters of Rule 4(a)(5) and further explaining that the Fourth Circuit Court of Appeals has already decided the issue of the timeliness of Plaintiff's appeal.

After review, the Court agrees with Defendant and finds no reason to reopen the appeal deadline in this case. Accordingly, it is hereby **ORDERED** that Plaintiff's motions (ECF Nos. 147 and 148) are denied.

— **IT IS SO ORDERED.**

/s/Bruce H. Hendricks  
United States District Judge

January 12, 2024  
Charleston, South Carolina

FILED: November 22, 2023

*Appendix H*

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 22-1578  
(2:19-cv-03456-BHH)

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NELSON L. BRUCE

Plaintiff - Appellant

v.

BANK OF AMERICA, N.A., a/k/a Bank of America

Defendant - Appellee

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ORDER

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Upon consideration of appellant's motion to reconsider, the court denies the motion.

For the Court

/s/ Nwamaka Anowi, Clerk