

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-51186
Conference Calendar

FRANCES WILEY,

Plaintiff-Appellant,

versus

SBC COMMUNICATIONS, INC., doing business
as Southwestern Bell; SOUTHWESTERN BELL PUBLIC
COMMUNICATIONS, doing business as Southwestern
Bell; SOUTHWESTERN BELL CORPORATION,,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-99-CV-996

June 14, 2001

Before WIENER, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

Frances Wiley, pro se, appeals the district court's summary-judgment dismissal of her complaint and the district court's denial of her motion for permission to appeal the summary-judgment, construed as a motion to reopen the time to file an appeal pursuant to Fed. R. App. P. 4(a)(6). Wiley filed her notice of appeal more than 30 days after the judgment, and therefore the notice of appeal is untimely. See Fed. R. App. P.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

4(a)(1)(A). Rule 4(a)(6) provides that a motion to reopen the time to appeal must be filed within 180 days after the judgment or order is entered or within seven days after the moving party receives notice of the entry, whichever is earlier. The appellant acknowledges that she received notice of the July 3, 2000, judgment on September 8, 2000, but she did not file her motion until October 25, 2000. Because Wiley did not file her motion to reopen the time to appeal within seven days after she learned of the judgment dismissing her complaint, her motion to reopen was untimely. See Wilkens v. Johnson, 238 F.3d 328, 335-36 (5th Cir. 2001). Under these circumstances, the district court did not abuse its discretion in denying the motion to reopen the time to appeal. See In re Jones, 970 F.2d 36, 39 (5th Cir. 1992).

The appeal from the district court's summary judgment is DISMISSED. The district court's denial of appellant's motion to reopen the time to appeal is AFFIRMED. All outstanding motions are DENIED.