

FILED: February 23, 2010

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1335
(1:08-cv-00827-GBL-JFA)

SUHAIL NAJIM ABDULLAH AL SHIMARI; TAHA YASEEN ARRAQ RASHID;
SA'AD HAMZA HANTOOSH AL-ZUBA'E; SALAH HASAN NUSAIF AL-
EJAILI,

Plaintiffs - Appellees,

v.

CACI INTERNATIONAL, INCORPORATED; CACI PREMIER TECHNOLOGY,
INCORPORATED,

Defendants - Appellants.

No. 09-2324
(1:08-cv-00827-GBL-JFA)

SUHAIL NAJIM ABDULLAH AL SHIMARI; TAHA YASEEN ARRAQ RASHID;
SA'AD HAMZA HANTOOSH AL-ZUBA'E; SALAH HASAN NUSAIF AL-EJAILI,

Plaintiffs - Appellants,

v.

CACI PREMIER TECHNOLOGY, INCORPORATED; CACI INTERNATIONAL,
INCORPORATED,

Defendants - Appellees.

O R D E R

In Appeal No. 09-2324, the original Defendants in the district court have filed a motion to dismiss the original Plaintiff's cross-appeal because the notice of cross-appeal was not timely filed. Under the Federal Rules of Appellate Procedure, a party to a lawsuit in which the United States is not a party has thirty days from the entry of judgment in which to file a notice of appeal. Fed. R. App. P. 4(a)(1)(A). Under Fed. R. App. P. 4(a)(3), notice of a cross-appeal must be filed within fourteen days of the first notice, or within the time otherwise prescribed by Rule 4(a). See LaFaut v. Smith, 834 F.2d 389, 394 n.9 (4th Cir. 1987). Here, the district court's order was entered on March 19, 2009, and the original Defendants' notice of appeal was filed on March 23, 2009. The period in which the original Plaintiffs had to file a notice of cross-appeal expired, therefore, on April 20, 2009. As the original Plaintiffs did not file their notice of cross-appeal until November 30, 2009, and failed to seek an extension or reopening of the appeal period under Fed. R. App. P. 4(a)(5), (6), their notice of cross-appeal was not timely filed. Accordingly, we GRANT the motion to dismiss the cross-appeal.

For the Court

/s/ Patricia S. Connor

Clerk