

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-2382

KAREN MARLENE THOMPSON, Representing
claimants: Verle Adams Thompson, Lula Hames
Adams, Mattie Louise Adams, William/Willis
Joshua Adams, Mittie Adams Cox, Broadus L.
Cox, Guy Frederick Chesney, Edna Mildred Adams
Chesney, Floyd Earle McAbee, and Martha Jean
Chesney McAbee Barnett,

Party in Interest - Appellant,

and

HAROLD MITCHELL, individually and on behalf of
all others similarly situated; GERALD JONES,
individually and on behalf of all others
similarly situated; MARY ANN EDWARDS,
individually and on behalf of all others
similarly situated; WILLIAM N. EPPS, JR.,
Guardian ad Litem,

Plaintiffs,

versus

IMC GLOBAL INC, formerly known as IMC
Fertilizer Group Inc., formerly known as IMC
Fertilizer Inc., formerly known as
International Minerals and Chemical
Corporation; IMC GLOBAL OPERATIONS INC.,
formerly known as IMC Fertilizer Group Inc.,
formerly known as IMC Fertilizer Inc.,
formerly known as International Minerals and
Chemical Corporation,

Defendants - Appellees,

versus

RONNIE FOWLER; JAMES H. WATSON; JOYCE MCGILL;
RANDY GRIFFIN; ROBERT L. MILLER; BRENDA A.
MCABEE; NAMON M. DAWKINS; ROSE L. FERNANDIS;
JAROB BLACK; KENNETH E. MORROW; LEROY ARTISON;
MARY C. SMITH; HENRY D. SMITH; BARBARA J.
BROWN; WILLIAM STALNAKER; JEFFREY S.
SATTFIELD; BARBARA MIDDLETON; TYRONE KEITH
WIGGINS; TIMOTHY DARRELL WIGGINS; LOUISE
DAWKINS LITTLEJOHN; CYNTHIA DENISE MOORE;
LUCILLE FOSTER MOORE; SHARON DOGAN; HATTIE E.
BYRD; REGINALD SHELTON; VERLE ADAMS THOMPSON;
LULA HAMES ADAMS; MATTIE LOUISE ADAMS;
WILLIAM/WILLIS JOSHUA ADAMS; MITTIE ADAMS COX;
BROADUS L. COX; GUY FREDERICK CHESNEY; EDNA
MILDRED ADAMS CHESNEY; FLOYD EARLE MCABEE;
MARY K. GARREN; EVELYN B. ARTISON-MOORE;
CORR P. WHEELING; ANNETTE BETSILL; DIANNE P.
MCGILL; SHEENA IRENE FOSTER; ROSE MARIE FOSTER
YOUNG; LOSSIE JACKSON; NORWOOD FOWLER; SHIRLEY
FOWLER; ERNEST KEENON; PATRICIA D. FOWLER;
CODY A. FOWLER; CAROL HUMPHRIES BLAND;
CHARLES E. HUITT; ROBERT EARL FOSTER; JANICE
LEE FOSTER; GERALD COX; DOROTHY TAYLOR MOSS;
BETTY J. COX; TIJUANNA BATES; ONEAL EDWARDS;
JERRY HARRISON; VICKI SMITH; WILLIE BATES;
CAROLYN EVANS; TIMOTHY L. EVANS; ANGELA M.
WHITT; CRYSTAL MOCKABEE; JOHN L. BOBO; JAMES
WILLIAM CALDWELL; HATTIE F. YOUNG; CARNELL
FLOYD; MELVIN BIVINGS; DOROTHY E. BENSON;
DAVID B. JENNINGS, SR.; MATTIE L. PHILSON;
DEBRA REEDER; BRYON ONEAL FOSTER; CHERYL
ELIZABETH ROBINSON; MARY L. HENDERSON; RAYMOND
MACHEN; RAMONA N. WILLIAMS; SYLVIA QUINN;
STEPHANIE S. THROWER; PATRICIA A. ROBINSON;
TONYA R. FOSTER; DARLENE BOBO ANDREWS; HERRY
ANDREWS; BOBBY ANDREWS; HYCINTH ANDREWS;
MARLON ANDREWS; AMBERIA WILLIAMS; CEDRICK L.
RIDGWAY; JUAN CARLON MILLER; TYRIAN DEONTE
CARTER; TIFFANY M. CARSON; TAMMY M. KELEY;
ANSEL R. MESSICK; CAROLYN M JUSTICE; MARY E.
STEPHEN; ALTON L. WATERS, SR.; EDZEMA A.
MONTGOMERY; GENEVIEVE FULLER ROBINSON;
LILLIE B. FULLER; JOHNNIE MAE FULLER; KRISTIE
KELLY; GLORIA WIGGLETON; MARISA DARLETTE
DAVIS; CAROL G. MEDLEY; EDWIN K. LONG; RUTH

REEDER; MARY N. REEDER; DORA N. REEDER;
JOHN E. REEDER; JERRY REEDER; KIZZY SMITH;
JACQUELYN FOSTER; THOMAS LAMONT FERGUSON;
ERNEST WINN; ANGELA ROGERS JACQUES; DARRELL L.
MITCHELL; PETUNIA P. LEAK; ROBERT CATES HAYES;
PAUL L. SCOTT; TERANCE GAULT; JOHN MILLER;
CHARLES EDWARD HUNTER; JAMES W. CALDWELL;
VERONICA WOODRUFF; DENISE L. MARTIN; YVONDA L.
WRIGHT; MARTHA JEAN CHESNEY MCABEE BARNETT,
individual claim of; ERIC A. MEANS; KELVIN
GAULT; MARILYN THOMAS; GARY L. WALKER; STANLEY
JETER; ANNETTE SHACK,

Parties in Interest.

No. 03-2392

ANNETTE SHACK,

Party in Interest - Appellant,

and

HAROLD MITCHELL, individually and on behalf of
all others similarly situated; GERALD JONES,
individually and on behalf of all others
similarly situated; MARY ANN EDWARDS,
individually and on behalf of all others
similarly situated; WILLIAM N. EPPS, JR.,
Guardian ad Litem,

Plaintiffs,

versus

IMC GLOBAL INC, formerly known as IMC
Fertilizer Group Inc, formerly known as IMC
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International Minerals and Chemical
Corporation; IMC GLOBAL OPERATIONS INC,
formerly known as IMC Fertilizer Group Inc,

formerly known as IMC Fertilizer Inc, formerly
known as International Minerals and Chemical
Corporation,

Defendants - Appellees,

versus

RONNIE FOWLER; JAMES H. WATSON; JOYCE MCGILL;
RANDY GRIFFIN; ROBERT L. MILLER; BRENDA A.
MCABEE; NAMON M. DAWKINS; ROSE L. FERNANDIS;
JAROB BLACK; KENNETH E. MORROW; LEROY ARTISON;
MARY C. SMITH; HENRY D. SMITH; BARBARA J.
BROWN; WILLIAM STALNAKER; JEFFREY S.
SATTFIELD; BARBARA MIDDLETON; TYRONE KEITH
WIGGINS; TIMOTHY DARRELL WIGGINS; LOUISE
DAWKINS LITTLEJOHN; CYNTHIA DENISE MOORE;
LUCILLE FOSTER MOORE; SHARON DOGAN; HATTIE E.
BYRD; REGINALD SHELTON; VERLE ADAMS THOMPSON;
LULA HAMES ADAMS; MATTIE LOUISE ADAMS;
WILLIAM/WILLIS JOSHUA ADAMS; MITTIE ADAMS COX;
BROADUS L. COX; GUY FREDERICK CHESNEY; EDNA
MILDRED ADAMS CHESNEY; FLOYD EARLE MCABEE;
MARY K. GARREN; EVELYN B. ARTISON-MOORE;
CORA P. WHEELING; ANNETTE BETSILL; DIANNE P.
MCGILL; SHEENA IRENE FOSTER; ROSE MARIE FOSTER
YOUNG; LOSSIE JACKSON; NORWOOD FOWLER; SHIRLEY
FOWLER; ERNEST KEENON; PATRICIA D. FOWLER;
CODY A. FOWLER; CAROL HUMPHRIES BLAND;
CHARLES E. HUITT; ROBERT EARL FOSTER; JANICE
LEE FOSTER; GERALD COX; DOROTHY TAYLOR MOSS;
BETTY J. COX; TIJUANNA BATES; ONEAL EDWARDS;
JERRY HARRISON; VICKI SMITH; WILLIE BATES;
CAROLYN EVANS; TIMOTHY L. EVANS; ANGELA M.
WHITT; CRYSTAL MOCKABEE; JOHN L. BOBO;
VERONICA WOODRUFF; JAMES WILLIAM CALDWELL;
HATTIE F. YOUNG; CARNELL FLOYD; MELVIN
BIVINGS; DOROTHY E. BENSON; DAVID B. JENNINGS,
SR.; MATTIE L. PHILSON; DEBRA REEDER; BRYON
ONEAL FOSTER; CHERYL ELIZABETH ROBINSON;
MARY L. HENDERSON; RAYMOND MACHEN; RAMONA N.
WILLIAMS; SYLVIA QUINN; STEPHANIE S. THROWER;
PATRICIA A. ROBINSON; TONYA R. FOSTER; DARLENE
BOBO ANDREWS; HERRY ANDREWS; BOBBY ANDREWS;
HYCINTH ANDREWS; MARLON ANDREWS; AMBERIA
WILLIAMS; CEDRICK L. RIDGEWAY; JUAN CARLON

MILLER; TYRIAN DEONTE CARTER; TIFFANY M. CARSON; TAMMY M. KELEY; ANSEL R. MESSICK; CAROLYN M. JUSTICE; MARY E. STEPHEN; ALTON L. WATERS, SR.; EDZEMA A. MONTGOMERY; GENEVIEVE FULLER ROBINSON; LILLIE B. FULLER; JOHNNIE MAE FULLER; KRISTIE KELLY; GLORIA WIGGLETON; MARISA DARLETTE DAVIS; CAROL G. MEDLEY; EDWIN K. LONG; RUTH REEDER; MARY N. REEDER; DORA N. REEDER; JOHN E. REEDER; JERRY REEDER; KIZZY SMITH; JACQELYN FOSTER; THOMAS LAMONT FERGUSON; ERNEST WINN; ANGELA ROGERS JACQUES; DARRELL L. MITCHELL; PETUNIA P. LEAK; ROBERT CATES HAYES; PAUL L. SCOTT; TERANCE GAULT; JOHN MILLER; CHARLES EDWARD HUNTER; JAMES W. CALDWELL; DENISE L. MARTIN; YVONDA L. WRIGHT; MARTHA JEAN CHESNEY MCABEE BARNETT, individual claim of; ERIC A. MEANS; KELVIN GAULT; MARILYN THOMAS; GARY L. WALKER; KAREN MARLENE THOMPSON, Representing claimants: Verle Adams Thompson, Lula Hames Adams, Mattie Louise Adams, William/Willis Joshua Adams, Mittie Adams Cox, Broadus L. Cox, Guy Frederick Chesney, Edna Mildred Adams Chesney, Floyd Earle McAbee, and Martha Jean Chesney McAbee Barnett; STANLEY JETER,

Parties in Interest.

Appeals from the United States District Court for the District of South Carolina, at Spartanburg. G. Ross Anderson, Jr., District Judge. (CA-02-3608-13AK-7)

Submitted: August 20, 2004

Decided: October 6, 2004

Before TRAXLER and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Karen Marlene Thompson, Annette Shack, Appellants Pro Se.
Beattie B. Ashmore, PRICE, PASCHAL & ASHMORE, PA, Greenville, South
Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

In these consolidated appeals, Karen Marlene Thompson and Annette Shack seek to appeal from the order of the district court denying their objections to the settlement of a class action lawsuit.

In case number 03-2392, we dismiss Shack's appeal for lack of jurisdiction because her notice of appeal was not timely filed. Parties are accorded thirty days after entry of the district court's final judgment or order to note an appeal, see Fed. R. App. P. 4(a)(1), 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). This appeal period is "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)). The district court's order was entered on the docket on October 7, 2003. Shack's notice of appeal was filed on November 7, 2003, one day beyond the appeal period. Because Shack failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss Shack's appeal.

In case number 03-2382, we dismiss Thompson's appeal because she may not represent other members of the class as a pro se litigant.* See Oxendine v. Williams, 509 F.2d 1405, 1407 (4th

*Thompson did not seek to raise any claims on her own behalf.

Cir. 1975). Because Thompson is not an attorney, she may not represent other parties to the proceeding.

The motion to expedite consideration of the appeals is denied as moot. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED