

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-1785

JEREDINE MADISON,

Plaintiff - Appellant,

versus

KENNETH S. APFEL, COMMISSIONER OF SOCIAL SECURITY,

Defendant - Appellee.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. David C. Norton, District Judge.
(CA-98-3147-9-18)

Submitted: November 30, 2000

Decided: December 28, 2000

Before NIEMEYER, LUTTIG, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Jeredine Madison, Appellant Pro Se. Carol S. Prescott, SOCIAL
SECURITY ADMINISTRATION, Denver, Colorado, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Jeredine Madison seeks to appeal the district court's order accepting the magistrate judge's report and recommendation and affirming the Commissioner's denial of Madison's claim for disability insurance benefits and Supplemental Security income. We dismiss the appeal for lack of jurisdiction because Madison's notice of appeal was not timely filed.

Where one of the parties is the United States, parties are accorded sixty days after entry of the district court's final judgment or order to note an appeal, 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 originally entered on the docket on February 17, 2000. Madison's notice of appeal, filed on June 7, 2000, is clearly outside the sixty-day window from this date. Her notice was also past the sixty-day window assuming that the district court's order became effective and final on April 3, 2000, the extended date the district court afforded Madison for the filing of objections.

Because Madison 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 the court and argument would not aid the decisional process.

DISMISSED