

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-6547**

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DAVID V. BOND,

Petitioner - Appellant,

versus

RONALD J. ANGELONE, Director of The Virginia  
Department of Corrections,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern Dis-  
trict of Virginia, at Norfolk. Robert G. Doumar, Senior District  
Judge. (CA-98-1194-2, CA-99-953-2)

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Submitted: July 27, 2000

Decided: August 4, 2000

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Before MURNAGHAN, WILKINS, and KING, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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David V. Bond, Appellant Pro Se. Linwood Theodore Wells, Jr.,  
Assistant Attorney General, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

David V. Bond seeks to appeal the district court's order denying his 28 U.S.C.A. § 2254 (West 1994 & Supp. 2000) petition. We dismiss the appeal for lack of jurisdiction because Bond's 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 September 29, 1999. While the district court extended the appeal period until November 28, 1999, Bond did not file his notice of appeal until April 3, 2000.\* Because Bond failed to file a timely notice of appeal or to obtain a further extension or reopening of the appeal period, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts

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\* For the purpose of this appeal, we assume that the date appearing on the notice of appeal is the earliest date it could have been given to prison officials for mailing. See Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266 (1988).

and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED