

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-6750

BEKRU KETEMA WENDEMTEKE,

Petitioner - Appellant,

versus

U.S. IMMIGRATION & NATURALIZATION SERVICE,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Robert G. Doumar, Senior District Judge. (CA-99-634-2)

Submitted: July 31, 2000

Decided: September 20, 2000

Before MICHAEL and MOTZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Bekru Ketema Wendemteke, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Bekru Ketema Wendemteke seeks to appeal the district court's orders denying his 28 U.S.C. § 2241 (1994) petition. We dismiss the appeal for lack of jurisdiction because Wendemteke's notice of appeal was not timely filed.

Wendemteke was specifically advised that he had sixty days after entry of the district court's final order to note an appeal. Under Fed. R. App. P. 4(a)(1), 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)), and exists 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).

The district court's orders were entered on the docket on May 24, 1999, and November 11, 1999.* Wendemteke's notice of appeal was filed on March 1, 2000. Because Wendemteke failed to file a timely notice of appeal or obtain an extension or reopening of the appeal period, we deny a certificate of appealability and dismiss the appeal as untimely. We dispense with oral argument because the facts and legal contentions are adequately presented in the mate-

* Although this second order was filed on November 8, 1999, it was entered on the district court's docket sheet on November 11, 1999. November 11, 1999, is therefore the effective date of the district court's decision. See Fed. R. Civ. P. 58 and 79(a); see also Wilson v. Murray, 806 F.2d 1232, 1234-35 (4th Cir. 1986).

rials before the court and argument would not aid the decisional process.

DISMISSED