

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 00-6948**

---

WILLIE S. MERRIWEATHER,

Plaintiff - Appellant,

versus

MICHAEL MOORE, Commissioner, South Carolina  
Department of Correction; MARTHA A. WANNA-  
MAKER, Warden; WELDON ROGER; LIEUTENANT FROST;  
MAJOR LORD; FRANK MUSIER; OFFICER DUNN;  
SERGEANT STEPHEN; LIEUTENANT PRATT; CAPTAIN  
TAGGAR,

Defendants - Appellees.

---

Appeal from the United States District Court for the District of  
South Carolina, at Charleston. Patrick Michael Duffy, District  
Judge. (CA-97-2132-9-23)

---

Submitted: September 29, 2000

Decided: December 6, 2000

---

Before WILKINS, NIEMEYER, and TRAXLER, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Willie S. Merriweather, Appellant Pro Se. Anne Macon Flynn, SOUTH  
CAROLINA BUDGET AND CONTROL BOARD, Columbia, South Carolina, for  
Appellees.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Willie S. Merriweather seeks to appeal the district court's order granting the Defendants' motion for summary judgment in his 42 U.S.C.A. § 1983 (West Supp. 2000) action. We dismiss the appeal for lack of jurisdiction because Merriweather'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, 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 March 28, 2000. Merriweather's notice of appeal was dated April 28, 2000, one day past the thirty-day appeal period. Because Merriweather failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny all pending motions and 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