

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-7614

RONALD LEE SUNKINS,

Petitioner - Appellant,

versus

LONNIE SAUNDERS, Warden, Augusta Correctional
Center,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern Dis-
trict of Virginia, at Alexandria. James C. Cacheris, Senior Dis-
trict Judge. (CA-98-300-AM)

Submitted: May 8, 2001

Decided: May 21, 2001

Before NIEMEYER, WILLIAMS, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Ronald Lee Sunkins, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Ronald Lee Sunkins seeks to appeal the district court's order dismissing his 28 U.S.C.A. § 2254 (West 1994 & Supp. 2000) petition. We dismiss the appeal for lack of jurisdiction because Sunkins' notice of appeal was not timely filed.

In civil cases in which the United States is not a party, 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)(A), 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 Corr., 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 April 1, 1998. Sunkins' notice of appeal was filed on October 18, 2000.* Because Sunkins failed to file a timely notice of appeal or to obtain an 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 and legal contentions are

* This is Sunkins' second appeal in this matter. His first appeal was dismissed by this court on February 17, 1999. See Sunkins v. Saunders, No. 98-6697, 1999 WL 134205 (4th Cir. Feb. 17, 1999) (unpublished).

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

DISMISSED