

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-7755

CHARLES E. HINTON,

Petitioner - Appellant,

versus

JIM PENDERGRAPH, Sheriff; MICHAEL F. EASLEY,

Respondents - Appellees.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Graham C. Mullen, Chief District Judge. (CA-00-331-3-1-MU)

Submitted: May 31, 2001

Decided: June 6, 2001

Before WILKINS, TRAXLER, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Charles E. Hinton, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Charles E. Hinton seeks to appeal the district court's order dismissing his § 2254 motion. We dismiss the appeal for lack of jurisdiction because Hinton'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 6, 2000. Hinton's notice of appeal was filed on October 24, 2000. Because Hinton failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, deny a certificate of appealability 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