

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 01-1171**

---

BRUCE L. MCNEIL,

Plaintiff - Appellant,

versus

STATE OF NORTH CAROLINA, Department of  
Transportation,

Defendant - Appellee.

---

Appeal from the United States District Court for the Eastern Dis-  
trict of North Carolina, at Raleigh. Terrence W. Boyle, Chief Dis-  
trict Judge. (CA-00-886-5-BO)

---

Submitted: May 17, 2001

Decided: May 23, 2001

---

Before WIDENER, NIEMEYER, and MICHAEL, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Bruce L. McNeil, Appellant Pro Se.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Bruce L. McNeil seeks to appeal the district court's order dismissing his suit. We dismiss the appeal for lack of jurisdiction because McNeil'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 December 27, 2000. McNeil's notice of appeal was filed on January 29, 2001. Because McNeil failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we 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