

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-1390**

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ISAIAH HARLEY, JR.,

Plaintiff - Appellant,

and

UNITED STATES OF AMERICA,

Plaintiff,

versus

INTERNATIONAL BUSINESS MACHINES CORPORATION,

Defendant - Appellee.

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Appeal from the United States District Court for the District of Maryland, at Baltimore. Catherine C. Blake, District Judge. (CA-99-2725-CCB)

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Submitted: May 31, 2001

Decided: June 8, 2001

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Before WILKINS, TRAXLER, and KING, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Isaiah Harley, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Isaiah Harley seeks to appeal an order of the district court purportedly entered on March 12, 2001. The district court docket sheet reflects that there was no order entered by the court on or around that date. To the extent Harley seeks to appeal the district court's order dismissing his civil complaint without prejudice for lack of jurisdiction, we dismiss the appeal as untimely 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 September 15, 1999. Harley's notice of appeal was filed on March 15, 2001. Because Harley 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