

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-1836

FRANKLIN C. REAVES,

Plaintiff - Appellant,

versus

CITY OF MULLINS; J. C. RICHARDSON, Individually and in his official capacity as City of Mullins Administrator; RODNEY JOHNSON, individually and in his official capacity as City of Mullins Planner; JIMMY AFFORD, JR., individually and in his official capacity as Chief of Police of City of Mullins; JOE COX; individually and in his official capacity as City of Mullins Judge; MARION COUNTY; EDWIN P. ROGERS, individually and in his capacity as Marion County Administrator; DANNY GERALD, individually and in his capacity as employee of Marion County; DANNY GARDNER, individually and in his capacity as an employee of Marion County; DENNIS FLOYD, individually and in his capacity as an employee of Marion County; JOHN W. ROBERTS, individually and as an employee of the City of Mullins; BOYD JOHNSON, individually and as an employee of the City of Mullins; GENE LEWIS, individually and as an employee of the City of Mullins; WALTER GODBOLD, individually and as employee of the City of Mullins; HENRY JACKSON, individually and as employee of the City of Mullins,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Florence. Margaret B. Seymour, District Judge. (CA-00-528-24-4-BF)

Submitted: October 18, 2001

Decided: October 25, 2001

Before MOTZ and GREGORY, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Franklin C. Reaves, Appellant Pro Se. Douglas Charles Baxter, RICHARDSON, PLOWDEN, CARPENTER & ROBINSON, Myrtle Beach, South Carolina; Robert Thomas King, WILLCOX, BUYCK & WILLIAMS, P.A., Florence, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Franklin C. Reeves appeals the district court's order dismissing his § 1983 action alleging various constitutional violations in the condemnation and demolition of two houses by the City of Mullins, South Carolina. We dismiss the appeal for lack of jurisdiction because Reeves' 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 May 16, 2001. However, Reeves' notice of appeal was not filed with the district court until June 18, 2001. Because Appellant 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 adequate-

* To the extent Reeves mailed his notice of appeal to the district court for filing on June 15, 2001, because he is not incarcerated, he does not benefit from Houston v. Lack, 487 U.S. 266, 270-71 (1988). See Thompson v. E.I. DuPont de Nemours & Co., 76 F.3d 530, 534 (4th Cir. 1996).

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

DISMISSED