

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-1826

DARRYL ALLMOND,

Plaintiff - Appellant,

versus

DEPARTMENT OF FAMILY SERVICES; JUDY FLYNN;
JERRY NICHOLS; YVONNE WALLACE; ROBERT WATSON;
FRANCISCA BIRAGO; ANN COVILLION; VIRGINIA
DEPARTMENT OF SOCIAL SERVICES; SONIA RIVERO;
JUANI DIAZ; JUDY SLYNN; RAY GOODWIN; JACK
FRAZIER; DANA PAIGE; JANE DOE; JOHN DOE,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. Claude M. Hilton, Chief
District Judge. (CA-02-423-A)

Submitted: November 7, 2002

Decided: November 13, 2002

Before WILKINS and LUTTIG, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed in part and affirmed in part by unpublished per curiam
opinion.

Darryl Allmond, Appellant Pro Se. Cynthia Lee Tianti, COUNTY
ATTORNEY'S OFFICE, Fairfax, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Darryl Allmond seeks to appeal the district court's orders dismissing his complaint and denying his post-judgment motion for remand. We dismiss the appeal of the former for lack of jurisdiction, because the notice of appeal was not timely filed, and affirm the latter order.

Parties are accorded thirty days after the entry of the district court's final judgment or order to note an appeal, 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 dismissing the complaint was entered on the docket on June 10, 2002, and the notice of appeal was filed July 22, 2002. Because Allmond failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal as to the June 10 order.

Regarding Allmond's appeal from the denial of his motion to remand, we find that Allmond's motion, filed after his suit was dismissed, was clearly untimely. Accordingly, we affirm the district court's order. 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.

AFFIRMED IN PART; DISMISSED IN PART