

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6226

EDWARD HAROLD SAUNDERS, JR.,

Petitioner - Appellant,

versus

UNITED STATES OF AMERICA,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, District Judge. (CA-01-737-5-H)

Submitted: April 25, 2002

Decided: May 8, 2002

Before WILLIAMS and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed in part and affirmed in part by unpublished per curiam opinion.

Edward Harold Saunders, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Edward Harold Saunders, Jr., seeks to appeal the district court's orders denying relief on his petition filed under 28 U.S.C. § 2241 (1994), and his motion for reconsideration filed under Fed. R. Civ. P. 60(b). We dismiss in part and affirm in part.

In civil actions where the United States is a party, parties are accorded sixty days after entry of the district court's final judgment or order to note an appeal, see Fed. R. App. P. 4(a)(1)(B), 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. Dir., 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 denying § 2241 relief was entered on the docket on November 8, 2001, and Saunders filed his notice of appeal on January 25, 2002. Because Saunders failed to file a timely notice of appeal or obtain an extension or reopening of the appeal period, we lack jurisdiction to review the district court's November 8 order denying § 2241 relief. We therefore dismiss this portion of the appeal.

With regard to the denial of Rule 60(b) relief, we have reviewed the record and the district court's order and find no abuse of discretion. We therefore affirm the denial of Rule 60(b)

relief on the reasoning of the district court. Saunders v. United States, No. CA-01-737-5-H (E.D.N.C. filed Jan. 10, 2002 & entered Jan. 11, 2002). 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 IN PART; AFFIRMED IN PART