

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6509

MATTHEW SPILLMAN,

Plaintiff - Appellant,

versus

JAMES NEWTON; JAMES NELSON; IRWIN M. STEIN;
CAROL RONEY, Counselor, Watertown Correctional
Facility; MRS. WUERSCHMIDT; SUE WALLINGS;
LANCE MASON; L. HUDSON, Fredericksburg Police
Department, Warrant Division; SHARON MITCHELL,
Clerk, Fredericksburg Circuit Court; L.
JENKINS, Attorney, Fredericksburg, Virginia;
R. FIELDING LEWIS, Chief Officer, Parole &
Probation,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Richmond. Richard L. Williams, Senior
District Judge. (CA-01-763)

Submitted: May 30, 2002

Decided: June 10, 2002

Before WILKINS, TRAXLER, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Matthew Spillman, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Matthew Spillman seeks to appeal the district court's order dismissing without prejudice his civil rights action. We dismiss the appeal for lack of jurisdiction because Spillman's notice of appeal was not timely filed.

Parties are accorded thirty days after the 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 January 9, 2002. Spillman's notice of appeal was filed on March 18, 2002.* Because Spillman 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

* The notice of appeal is considered filed on the date Spillman delivered the notice to prison authorities for mailing to the court. Houston v. Lack, 487 U.S. 266 (1988).

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

DISMISSED