

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-6960**

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CLIFTON DEGRAFFINRIED,

Petitioner - Appellant,

versus

JON P. GALLEY, Warden; ATTORNEY GENERAL FOR  
THE STATE OF MARYLAND,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
Maryland, at Baltimore. Benson E. Legg, District Judge. (CA-02-  
333)

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Submitted: September 5, 2002

Decided: September 11, 2002

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Before MOTZ, KING, and GREGORY, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Clifton Degraffinried, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Clifton Degraffinried seeks to appeal the district court's order denying relief on his petition filed under 28 U.S.C. § 2254 (2000). We dismiss the appeal for lack of jurisdiction because Degraffinried'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 February 7, 2002. Degraffinried's notice of appeal was filed on June 10, 2002. See Fed. R. App. P. 4(c). Because Degraffinried failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny a certificate of appealability and 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