

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-1492**

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NATIONAL SATELLITE SPORTS, INCORPORATED,

Plaintiff - Appellee,

versus

MARK A. SMOOT,

Defendant - Appellant,

and

LTC, LLC, t/a Red Door Lounge,

Defendant.

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Appeal from the United States District Court for the District of Maryland, at Baltimore. Alexander Harvey, II, Senior District Judge. (CA-02-2616-AH)

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Submitted: October 29, 2003

Decided: February 18, 2004

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

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Dismissed by unpublished per curiam opinion.

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Mark A. Smoot, Appellant Pro Se. Aron Uri Raskas, KRAMON & GRAHAM, Baltimore, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Mark A. Smoot seeks to appeal the district court's entry of default judgment. We dismiss the appeal for lack of jurisdiction because the 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)(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, 267 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)).

The district court's order was entered on the docket on January 15, 2003.\* The Appellant's notice of appeal was filed on April 17, 2003. Because the Appellant failed to file a timely notice of appeal, seek an extension of the appeal period, or seek a reopening of the appeal period, we dismiss the appeal for lack of jurisdiction. 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

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\*The notice of appeal designates an order entered on March 14, 2003, but there is no such order in the record.