

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-2036**

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JOSEPH R. THAMES,

Plaintiff - Appellant,

versus

DEBORAH Y. MILLER,

Defendant - Appellee.

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**No. 04-1097**

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JOSEPH R. THAMES,

Plaintiff - Appellant,

versus

DEBORAH Y. MILLER,

Defendant - Appellee.

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Appeals from the United States District Court for the Eastern  
District of North Carolina, at Raleigh. Malcolm J. Howard,  
District Judge. (CA-03-419-5-H)

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Submitted: August 30, 2004

Decided: September 16, 2004

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

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Dismissed by unpublished per curiam opinion.

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Joseph R. Thames, Appellant Pro Se. Deborah Y. Miller, Appellee  
Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Joseph R. Thames seeks to appeal the district court's orders remanding this action to state court for lack of federal jurisdiction and denying his subsequent motion to reconsider the remand order. The district court's remand order is not reviewable. See 28 U.S.C. § 1447(d) (2000). Therefore the appeal in No. 03-2036 must be dismissed for lack of jurisdiction.

In No. 04-1097, Thames seeks to appeal the district court's denial of his motion for reconsideration. 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 was entered on the docket on December 3, 2003. The notice of appeal was filed on January 9, 2004. Because Thames failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss his appeal from the denial of his motion for reconsideration.

Accordingly, we dismiss both appeals 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