

UNPUBLISHED

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

ROGER D. NARAGON,  
*Petitioner-Appellant,*

v.

JACK LEE, Warden; DIRECTOR,  
DEPARTMENT OF CORRECTIONS,  
*Respondents-Appellees.*

No. 03-7489

Appeal from the United States District Court  
for the Eastern District of Virginia, at Richmond.  
Richard L. Williams, Senior District Judge.  
(CA-02-715-3)

Submitted: December 18, 2003

Decided: January 22, 2004

Before LUTTIG, SHEDD, and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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**COUNSEL**

Roger D. Naragon, Appellant Pro Se. Mary Kathleen Beatty Martin,  
OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Rich-  
mond, Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

**OPINION**

## PER CURIAM:

Robert Naragon seeks to appeal the district court's orders denying his petition filed pursuant to 28 U.S.C. § 2254 (2000) and denying his motion to reopen the time for filing an appeal. 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, 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 denying Naragon's petition was entered on the docket on June 9, 2003. Naragon asserts he received the district court's order on August 7, 2003. He filed a motion to reopen the appeal period on August 19, 2003, one day beyond the period in which he could move to reopen. *See* Fed. R. App. P. 4(a)(6), (c). Because Naragon failed to file a timely notice of appeal and failed to timely move for 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*