

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 03-7717**

---

RICHARD DAVIS HOUSTON,

Petitioner - Appellant,

versus

EDDIE PEARSON, Warden,

Respondent - Appellee.

---

**No. 03-7911**

---

RICHARD DAVIS HOUSTON,

Petitioner - Appellant,

versus

EDDIE PEARSON, Warden,

Respondent - Appellee.

---

Appeals from the United States District Court for the Eastern  
District of Virginia, at Alexandria. Claude M. Hilton, Chief  
District Judge. (CA-03-404-AM)

---

Submitted: April 19, 2004

Decided: April 28, 2004

---

Before WIDENER, WILKINSON, and DUNCAN, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Richard Davis Houston, Appellant Pro Se. Mary Kathleen Beatty  
Martin, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond,  
Virginia, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Richard Davis Houston seeks to appeal the district court's orders denying relief on his petition filed under 28 U.S.C. § 2254 (2000). We dismiss the appeals for lack of jurisdiction because Appellant's notices of appeal were not timely filed.

In civil cases such as the present one, 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, issued August 26, 2003, was entered on the docket by the clerk on September 16, 2003. Appellant's first notice of appeal, designated No. 03-7717, was filed October 17, 2003, one day out of time. Appellant's second notice of appeal, apparently filed in response to the judgment of September 16 that entered the August order on the docket, was filed on November 9, 2003. This second appeal, designated No. 03-7911, was also untimely. Because Appellant 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 appeals. 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