

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-7245**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JAIRO ENRIQUE LEON-BOZA,

Defendant - Appellant.

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Appeal from the United States District Court for the District of Maryland, at Greenbelt. Peter J. Messitte, District Judge. (CR-00-599-PJM; CA-02-3459-PJM)

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Submitted: April 20, 2005

Decided: May 11, 2005

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Before NIEMEYER, TRAXLER, and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Jairo Enrique Leon-Boza, Appellant Pro Se. Stuart A. Berman, Assistant United States Attorney, Greenbelt, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Jairo Enrique Leon-Boza seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 (2000) motion. Parties are accorded sixty days after the entry of the district court's final judgment or order to note an appeal when the United States is a party, Fed. R. App. P. 4(a)(1)(B), 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 its docket on April 20, 2004. We conclude from the record that the notice of appeal was filed, at the earliest, on July 26, 2004, over one month late. Because Leon-Boza failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny Leon-Boza's motion for a certificate of appealability and 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