

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-1026

CHOICE HOTELS INTERNATIONAL, INCORPORATED,

Plaintiff - Appellee,

versus

PATRICK BENNETT,

Defendant & Third Party Plaintiff - Appellant,

and

BENNETT FINANCIAL ASSOCIATES; GWEN K. BENNETT,

Defendants & Third Party Plaintiffs,

versus

JOHN J. SIGNORELLI; DOMINIC GIAMBONA,

Third Party Defendants - Appellees,

and

MIDSTATE RACEWAY, INCORPORATED; COMFORT
ASSOCIATES, INCORPORATED,

Third Party Defendants.

No. 06-1372

CHOICE HOTELS INTERNATIONAL, INCORPORATED,

Plaintiff - Appellee,

versus

PATRICK BENNETT,

Defendant & Third Party Plaintiff - Appellant,

and

BENNETT FINANCIAL ASSOCIATES; GWEN K. BENNETT,

Defendants & Third Party Plaintiffs,

versus

JOHN J. SIGNORELLI; DOMINIC GIAMBONA,

Third Party Defendants - Appellees.

Appeals from the United States District Court for the District of Maryland, at Greenbelt. Deborah K. Chasanow, District Judge. (CA-01-1457-DKC; 8:01-cv-01457-DKC)

Submitted: November 15, 2006

Decided: December 14, 2006

Before NIEMEYER, WILLIAMS, and TRAXLER, Circuit Judges.

No. 05-1026 affirmed; No. 06-1372 dismissed by unpublished per curiam opinion.

Patrick Bennett, Appellant Pro Se. Kerry Shanahan McGeever, Leah Darring Turner, CHOICE HOTELS INTERNATIONAL, INCORPORATED, Silver Spring, Maryland; Kelly C. Griffith, HARRIS & BEACH, LLP, Syracuse, New York, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In appeal No. 05-1026, Patrick Bennett appeals from the district court's orders granting summary judgment in favor of Choice Hotels International, Inc., on its breach of contract claim, denying Bennett's motion to alter or amend the judgment, and granting summary judgment against Bennett on his third-party claims for conversion and indemnification. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Choice Hotels Int'l, Inc. v. Bennett Financial, No. 8:01-cv-01457-DKC (D. Md. Mar. 18, June 21 & Dec. 6, 2004).

In appeal No. 06-1372, Bennett appeals from the district court's order denying his motion to alter or amend the district court's December 6, 2004 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, 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. Dir., 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 February 15, 2006. The notice of appeal was filed on March 24, 2006. Because Bennett failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. 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.

No. 05-1026 AFFIRMED

No. 06-1372 DISMISSED