

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 05-1783**

---

DEBORAH G. DANIELS,

Plaintiff - Appellant,

versus

JOHN E. POTTER, Postmaster General,

Defendant - Appellee.

---

Appeal from the United States District Court for the Eastern District of North Carolina, at New Bern. Malcolm J. Howard, District Judge. (CA-04-44-4)

---

Submitted: January 26, 2006

Decided: January 30, 2006

---

Before LUTTIG, WILLIAMS, and GREGORY, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Deborah G. Daniels, Appellant Pro Se. Rudolf A. Renfer, Jr., Assistant United States Attorney, Anne Margaret Hayes, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Deborah G. Daniels seeks to appeal the district court's order dismissing her employment discrimination action. 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 was entered on the docket on November 3, 2004. The notice of appeal was filed on July 11, 2005. Because Daniels 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.

DISMISSED

---

\*While Daniels filed a motion for extension of the appeal period together with her notice of appeal, which motion technically remains pending, said motion was filed beyond the time periods jurisdictionally available to the district court pursuant to Fed. R. App. P. 4(a)(5), 4(a)(6), such that remand is unnecessary.