

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-2051

CHERYL A. DAVIDSON,

Plaintiff - Appellant,

versus

JAMES TAYLOR; JOHN O'DONALD; DARRELL BETSILL,

Defendants - Appellees,

and

CITY OF GAFFNEY; SOUTH CAROLINA LAW
ENFORCEMENT DIVISION,

Defendants.

Appeal from the United States District Court for the District of
South Carolina, at Spartanburg. Henry M. Herlong, Jr., District
Judge. (CA-04-928-7-HMH)

Submitted: December 15, 2005

Decided: December 20, 2005

Before MICHAEL and DUNCAN, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Cheryl A. Davidson, Appellant Pro Se. Vance J. Bettis, GIGNILLIAT, SAVITZ & BETTIS, Columbia, South Carolina; Michael Stephen Pauley, VINTON D. LIDE & ASSOCIATES, Lexington, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Cheryl A. Davidson seeks to appeal the district court's order granting summary judgment to Defendants in her 42 U.S.C. § 1983 (2000) 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 judgment was entered on the docket on August 10, 2005. The notice of appeal was filed on September 16, 2005. Because Davidson failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we grant the Defendants' motions to 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