

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-6436

RALPH E. PERRY,

Plaintiff - Appellant,

versus

J. L. GOWAN, M.D., R. Medical Director;
GREENSVILLE CORRECTIONAL CENTER; CARLO
MURPHY, G.R.C.C. M.D. Director,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Richmond. Robert E. Payne, District
Judge. (CA-04-874-3)

Submitted: June 23, 2005

Decided: June 30, 2005

Before WIDENER, MICHAEL, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Ralph E. Perry, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Ralph E. Perry appeals the district court's order dismissing his 42 U.S.C. § 1983 (2000) action for failure to pay the partial filing fee. See Perry v. Gowan, No. CA-04-874-3 (E.D. Va. Jan. 31, 2005). We dismiss the appeal for lack of jurisdiction because Appellant's notice of appeal was not timely filed.

Parties are accorded thirty days after 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 was entered on the docket on January 31, 2005. Appellant's notice of appeal was filed on March 21, 2005. Because Appellant 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