

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7175

ROBB M. HARKSEN,

Plaintiff - Appellant,

versus

CORRECTIONS OFFICER MULLINS, JR.; DOCTOR
DAMRON, M.D.; P. WILLIAMS, M.D.; DOCTOR A.
EDELMAN, M.D.; FRED SHILLINGS, M.D.; P.
GREENE, Dr., DO; PHS, The ROSP Healthcare
Provider; D. A. BRAXTON, Warden; JEFF MULLINS,
Corrections Officer; WILLIAM VANOVER,
Corrections Officer; RICHARD FLEMING, Major;
DOCTOR FLEENOR, Corrections Officer; STEELE,
Corrections Officer,

Defendants - Appellees.

Appeal from the United States District Court for the Western
District of Virginia, at Roanoke. James C. Turk, Senior District
Judge. (CA-04-244-7)

Submitted: December 15, 2005

Decided: December 21, 2005

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

Dismissed by unpublished per curiam opinion.

Robb M. Harksen, Appellant Pro Se. Mark Ralph Davis, OFFICE OF THE
ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia; Heather Helaine

Polzin, LECLAIR RYAN FLIPPIN DENSMORE, Roanoke, Virginia; Mark Edward Frye, PENN, STUART & ESKRIDGE, Bristol, Tennessee; Coreen Antoinette Bromfield, RAWLS & MCNELIS, P.C., Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Robb M. Harksen seeks to appeal the district court's order denying his motion for a preliminary injunction. 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 March 4, 2005. The notice of appeal was filed on July 7, 2005. See Houston v. Lack, 487 U.S. 266 (1988). Because Harksen 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