

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7415

BILL DOUGLAS PAILIN,

Plaintiff - Appellant,

versus

RESTON HOSPITAL CENTER, Incorporated; PADMA K.
SHUKLA, MD, Physician/ER,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. T. S. Ellis III, District
Judge. (CA-04-1152-1)

Submitted: February 23, 2006

Decided: March 2, 2006

Before WIDENER, NIEMEYER, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Bill Douglas Pailin, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Bill Douglas Pailin seeks to appeal the district court's order denying his 42 U.S.C. § 1983 (2000) complaint for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii) (2000). We dismiss the appeal for lack of jurisdiction because Pailin'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 its docket on July 25, 2005. Pailin's notice of appeal was filed on September 2, 2005.* Because Pailin 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

*For the purpose of this appeal, we accept as true Pailin's statement in his informal brief on appeal, that he delivered his notice of appeal to prison officials for mailing on September 2, 2005. See Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266 (1988).

materials before the court and argument would not aid the decisional process.

DISMISSED