

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1125

RONALD O. CARLTON,

Plaintiff - Appellant,

versus

GOODYEAR TIRE & RUBBER COMPANY, INCORPORATED,

Defendant - Appellee.

Appeal from the United States District Court for the Middle
District of North Carolina, at Durham. Frank W. Bullock, Jr.,
Senior District Judge. (1:04-cv-00684-FWB)

Submitted: July 25, 2006

Decided: July 31, 2006

Before WILLIAMS, MOTZ, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Ronald O. Carlton, Appellant Pro Se. L. Cooper Harrell, SMITH &
MOORE, L.L.P., Greensboro, North Carolina, Edward M. Newsom, SMITH
& MOORE, L.L.P., Atlanta, Georgia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Ronald O. Carlton seeks to appeal the district court's order dismissing his products liability case against Defendant, The Goodyear Tire Company ("Goodyear"), on Goodyear's motion for summary judgment. 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 granting Goodyear summary judgment entered on December 12, 2005; thus, Carlton had until January 11, 2006, to timely note his appeal. However, Carlton did not file his notice of appeal until January 12, 2006. Because Carlton 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