

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 06-6537

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MELVIN ROEBUCK,

Petitioner - Appellant,

versus

WARDEN of Leiber; HENRY MCMASTER, Attorney  
General,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Greenville. Henry F. Floyd, District Judge.  
(6:02-cv-03815-HFF)

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Submitted: August 9, 2006

Decided: September 5, 2006

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

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Dismissed by unpublished per curiam opinion.

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Harry Leslie Devoe, Jr., New Zion, South Carolina, for Appellant.  
Donald John Zelenka, Chief Deputy Attorney General, William Edgar  
Salter, III, OFFICE OF THE ATTORNEY GENERAL OF SOUTH CAROLINA,  
Columbia, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Melvin Roebuck seeks to appeal the district court's order granting the state's motion for summary judgment and dismissing Roebuck's 28 U.S.C. § 2254 (2000) petition. 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 September 19, 2005. The notice of appeal was filed on March 27, 2006. Because Roebuck 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