

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-8074

TRACY ARTHUR FOSTER,

Plaintiff - Appellant,

versus

RICHARD T. DUKE; MICKEY,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:04-ct-00298-BO)

Submitted: June 8, 2007

Decided: July 16, 2007

Before NIEMEYER, MICHAEL, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Tracy Arthur Foster, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

After the district court dismissed as frivolous Tracy Foster's civil rights action filed pursuant to 42 U.S.C. § 1983 (2000), Tracy filed a pleading in which he restated the claims raised in his complaint. The district court docketed this pleading as a notice of appeal. We dismiss the appeal for lack of jurisdiction because Tracy's pleading failed to comply with Fed. R. App. P. 3, and as a consequence failed to invoke the jurisdiction of this court.

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). A proper notice of appeal must specify the parties to the case, the order appealed from, and the court to which the appeal is taken. Fed. R. App. P. 3(c). Tracy's post-judgment pleading filed in the district court fails to comply with this rule.

Because Tracy failed to invoke the jurisdiction of this court, we dismiss the appeal.* We also deny Tracy's motion for appointment of counsel. 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

*To the extent that Tracy's informal brief could be construed as a notice of appeal, it was untimely. See Fed. R. App. P. 4(a)(1)(A).