

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1593

DANIEL JOHNSON WILLIS,

Plaintiff - Appellant,

versus

CHARLES C. HENDERSON,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. James C. Fox, Senior District Judge. (4:06-cv-00143-F)

Submitted: September 11, 2007 Decided: September 13, 2007

Before WILKINSON, MOTZ, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Daniel Johnson Willis, Appellant Pro Se. Grady L. Balentine, OFFICE OF THE ATTORNEY GENERAL, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Daniel Johnson Willis appeals the district court's order granting the Defendant's motion to dismiss Willis' action filed under 42 U.S.C. § 1983 (2000) and alleging various constitutional violations. 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 November 21, 2006.¹ The notice of appeal was filed on May 31, 2007. Because Willis failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal.² We dispense with oral argument because the facts and legal contentions are adequately presented in the

¹Willis filed a motion for reconsideration, which was denied on March 27, 2007. Using either November 21, 2006, or March 27, 2007, Willis' appeal is untimely.

²We note that in granting in forma pauperis status on appeal, the district court did not require Willis to fully comply with the provisions of our March 17, 1997, injunction order.

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

DISMISSED