

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 07-6668

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KAZEEM ISHOLA,

Plaintiff - Appellant,

versus

PETER D. KEISLER, Acting Attorney General,

Defendant - Appellee.

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Appeal from the United States District Court for the District of Maryland, at Greenbelt. Peter J. Messitte, District Judge. (8:06-cv-01266-PJM)

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Submitted: September 26, 2007

Decided: October 18, 2007

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Before WILLIAMS, Chief Judge, and KING and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Kazeem Ishola, Appellant Pro Se. George William Maugans, III, Special Assistant United States Attorney, IMMIGRATION AND NATURALIZATION SERVICE, Baltimore, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kazeem Ishola seeks to appeal the district court's order denying Ishola's pro se petition for a writ of habeas corpus. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

When the United States or its officer or agency is a party, the notice of appeal must be filed no more than sixty days after the entry of the district court's final judgment or order, Fed. R. App. P. 4(a)(1)(B), 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 August 22, 2006. The notice of appeal was filed on April 16, 2007.\* Because Ishola 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

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\*For the purpose of this appeal, we assume that the date appearing on the notice of appeal is the earliest date it could have been properly delivered to prison officials for mailing to the court. Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266 (1988).

facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED