

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

No. 07-6685

---

TYRONE LAMAR ROBERSON,

Plaintiff - Appellant,

versus

A.J. PADULA, Warden; BARBARA RICKETSON, Mail  
Room Personnel,

Defendants - Appellees.

---

Appeal from the United States District Court for the District of  
South Carolina, at Anderson. Cameron McGowan Currie, District  
Judge. (8:06-cv-01519-CMC)

---

Submitted: September 11, 2007

Decided: October 10, 2007

---

Before WILKINSON, MOTZ, and TRAXLER, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Tyrone Lamar Roberson, Appellant Pro Se. Brown William Johnson,  
CLARKE, JOHNSON, PETERSON & MCLEAN, PA, Florence, South Carolina,  
for Appellees.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tyrone Lamar Roberson seeks to appeal the district court's order denying his motion to amend his complaint. 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 January 4, 2007. The notice of appeal was dated April 25, 2007, and filed on April 30, 2007. Because Roberson failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We deny Roberson's motion for a writ of mandamus. See In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979) (holding mandamus relief is not a substitute for 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