

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6738

RONALD MILES,

Petitioner - Appellant,

versus

RONALD J. ANGELONE,

Respondent - Appellee.

No. 07-6739

RONALD MILES,

Petitioner - Appellant,

versus

RONALD J. ANGELONE,

Respondent - Appellee.

Appeals from the United States District Court for the Eastern District of Virginia, at Alexandria. T. S. Ellis, III, Senior District Judge. (1:06-cv-00344-TSE; 1:00-cv-00204-TSE)

Submitted: August 23, 2007

Decided: August 30, 2007

Before WILLIAMS, Chief Judge, and WILKINS and HAMILTON, Senior Circuit Judges.

Dismissed in part and affirmed in part by unpublished per curiam opinion.

Ronald Miles, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ronald Miles seeks to appeal the district court's order denying his motion for reconsideration filed pursuant to Fed. R. Civ. P. 60(b), and a subsequent order imposing a prefiling injunction. With respect to the order denying Miles' motion for reconsideration, 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 March 27, 2007. The notice of appeal was filed on May 1, 2007.* Because Miles failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal.

*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).

With respect to the district court's order imposing a prefiling injunction, we have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Miles v. Angelone, Nos. 1:00-cv-204, 1:06-cv-344 (E.D. Va. filed Apr. 20, 2007 & entered Apr. 23, 2007). We deny Miles' 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 IN PART
AND AFFIRMED IN PART