

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6816

CLAYTON E. YOUNG,

Plaintiff - Appellant,

versus

CORRECTIONAL MEDICAL SERVICES; WARDEN GREEN,

Defendants - Appellees.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Roger W. Titus, District Judge. (8:06-cv-02103-RWT)

Submitted: August 23, 2007

Decided: August 30, 2007

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

Affirmed in part and dismissed in part by unpublished per curiam opinion.

Clayton E. Young, Appellant Pro Se. Philip Melton Andrews, KRAMON & GRAHAM, Phillip Michael Pickus, OFFICE OF THE ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Clayton E. Young seeks to appeal the district court's orders granting summary judgment to defendants on his 42 U.S.C. § 1983 (2000) complaint, and denying his subsequent motion to compel discovery and request for documentation. We dismiss the appeal of the order granting summary judgment 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 22, 2007. The notice of appeal was filed on April 28, 2007.* Because Young failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal of the order granting summary judgment to defendants.

*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 denying Young's motion to compel discovery and request for documentation, we have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Young v. Corr. Med. Servs., No. 8:06-cv-02103-RWT (D. Md. Apr. 24, 2007). We deny Young's motion to appoint 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.

AFFIRMED IN PART AND

DISMISSED IN PART