

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-1321**

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DANIEL JOHNSON WILLIS,

Plaintiff - Appellant,

v.

NORTH CAROLINA CLEAN WATER MANAGEMENT TRUST FUND,  
INCORPORATED,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern  
District of North Carolina, at Greenville. Malcolm J. Howard,  
Senior District Judge. (4:07-mc-00010)

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Submitted: July 22, 2008

Decided: July 24, 2008

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Before WILKINSON, MOTZ, and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Daniel Johnson Willis, Appellant Pro Se. Rudolf A. Renfer, Jr.,  
Assistant United States Attorney, Raleigh, North Carolina, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Daniel Johnson Willis seeks to appeal the district court's order denying him leave to file a new pleading and denying all outstanding motions. 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 December 18, 2007. The notice of appeal was filed on February 19, 2008. 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. 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