

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2176

GERALD HENNEGHAN,

Plaintiff - Appellant,

v.

SIGNET CONSTRUCTION COMPANY, LLC; SIGNET REALTY - BEALMONT
8&9, LLC; CH BUILDERS LLC; LOUIS J. CLEMENTE; MARK A. HIGGS;
JOHNNY D. MOSELEY; MARK A. BLANCHIETTI HOLLANDER,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. Leonie M. Brinkema,
District Judge. (1:06-cv-01443-LMB-BRP)

Submitted: April 24, 2009

Decided: June 17, 2009

Before MICHAEL, DUNCAN, and AGEE, Circuit Judges.

Affirmed in part; dismissed in part by unpublished per curiam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

Gerald Henneghan, Appellant Pro Se. Lauri E. Cleary, LERCH,
EARLY & BREWER, CHARTERED, Bethesda, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gerald Henneghan appeals the district court's orders dismissing his civil action and denying his motions to vacate, for appointment of counsel, and for leave to file an amended complaint. We dismiss Henneghan's appeal of two 2007 orders dismissing his civil action for lack of jurisdiction because the notice of appeal was not timely filed. We affirm the district court's denial of Henneghan's remaining motions.

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)).

In this case, the district court attempted to reopen the appeal period. However, all the conditions set forth in Fed. R. App. P. 4(a)(6) were not satisfied, in that the district court made no finding as to prejudice, and Henneghan's motion was filed well beyond the 180-day time period. Thus, the district court lacked jurisdiction to reopen the appeal period and Henneghan's appeal of the 2007 orders dismissing his civil action must be dismissed for lack of jurisdiction.

Regarding the motion to vacate, motion for appointment of counsel, and motion for leave to file an amended lawsuit out of time, Henneghan failed to challenge the district court's reasons supporting the denial of relief. Accordingly, Henneghan has forfeited appellate review of those issues. See Edwards v. City of Goldsboro, 178 F.3d 231, 241 n.6 (4th Cir. 1999).

For the foregoing reasons, we dismiss Henneghan's appeal of the dismissal of his civil action. We affirm the district court's denial of Henneghan's remaining motions. 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;
DISMISSED IN PART