

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1505

ORLANDO C. LEE, SR.,

Plaintiff - Appellant,

v.

FEDERAL BUREAU OF INVESTIGATION; UNITED STATES DEPARTMENT OF
JUSTICE,

Defendants - Appellees.

Appeal from the United States District Court for the Western
District of North Carolina, at Charlotte. Frank D. Whitney,
District Judge. (3:08-cv-00437-FDW-DCK)

Submitted: August 26, 2009

Decided: September 1, 2009

Before TRAXLER, Chief Judge, and GREGORY and SHEDD, Circuit
Judges.

Dismissed by unpublished per curiam opinion.

Orlando C. Lee, Sr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Orlando C. Lee, Sr., seeks to appeal the district court's order summarily dismissing Lee's complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) (2006). We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

When the United States or its officer or agency is a party, the notice of appeal must be filed no more than sixty days after the entry of the district court's final judgment or order, Fed. R. App. P. 4(a)(1)(B), 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)); see Bowles v. Russell, 551 U.S. 205, ___, 127 S. Ct. 2360, 2366 (2007).

The district court's order was entered on its docket on January 8, 2009. The notice of appeal was filed on May 1, 2009. Because Lee 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