

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-6681

WILLIAM DEANS,

Plaintiff - Appellant,

v.

SHEILA LINDSEY, in official and private capacity; SOUTH
CAROLINA DEPARTMENT OF MENTAL HEALTH BEHAVIORAL DISORDERS
TREATMENT PROGRAM,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Columbia. Cameron McGowan Currie, District
Judge. (3:07-cv-03247-CMC)

Submitted: August 20, 2009

Decided: August 27, 2009

Before WILKINSON and MICHAEL, Circuit Judges, and HAMILTON,
Senior Circuit Judge.

Affirmed in part; dismissed in part by unpublished per curiam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

William Deans, Appellant Pro Se. Janet Carol Brooks, Daniel Roy
Settana, Jr., MCKAY, CAUTHEN, SETTANA & STUBLEY, PA, Columbia,
South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William Deans seeks to appeal the district court's orders accepting the recommendation of the magistrate judge and denying relief on his 42 U.S.C. § 1983 (2006) complaint, and denying Deans's Fed. R. Civ. P. 60(b) motion for relief. We dismiss in part and affirm in part.

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) (internal quotation marks and citation omitted). Accord Bowles v. Russell, 551 U.S. 205 (2007). Because Deans filed his appeal of the district court's original order more than thirty days after the entry of judgment, we deny his appeal of this judgment as untimely. Fed. R. App. P. 4(a)(1)(A).

Deans's notice of appeal was timely as to the order denying Deans's Rule 60(b) motion. We find that the district court did not abuse its discretion in denying Deans's Rule 60(b) motion. See MLC Automotive, LLC v. Town of S. Pines, 532 F.3d 269, 277 (4th Cir. 2008) (reviewing the denial of a Rule 60(b) motion for abuse of discretion). Therefore, we affirm the

district court's denial of Deans's motion. See Deans v. Lindsey, No. 3:07-cv-03247-CMC (D.S.C. Apr. 1, 2009). 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