

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7309

CHRISTOPHER BERNARD JONES,

Plaintiff - Appellant,

v.

SC DEPT OF CORRECTIONS; JON OZMINT; SC DEPT PROBATION PAROLE AND PARDON SERVICES; SAMUEL GLOVER; GREENVILLE TECHNICAL COLLEGE, et al.; TIM RILEY, Warden, Tyger River Correctional Institution; ROBERT HAL MAUNEY, Warden, Northside and Livesay Correctional Institution; PEGGY ROGERS, Lieutenant at Tyger River; ROGER RABB, Casemanager at Tyger River; KAREN FOWLER, Caseworker at Tyger River; B. LEWIS, Caseworker at Tyger River; BILLY HYATT; MARY H. MCCABE,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Patrick Michael Duffy, Senior District Judge. (3:07-cv-01876-PMD)

Submitted: March 10, 2010

Decided: March 25, 2010

Before NIEMEYER, MOTZ, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Christopher Bernard Jones, Appellant Pro Se. Andrew Todd Darwin, HOLCOMBE, BOMAR, GUNN & BRADFORD, PA, Spartanburg, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Christopher Bernard Jones seeks to appeal the district court's order accepting the recommendation of the magistrate judge and dismissing Jones' 42 U.S.C. § 1983 (2006) action. 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 April 2, 2009. The notice of appeal was filed on June 1, 2009. Because Jones failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period within the time periods specified in Fed. R. App. P. 4(a)(6),* we dismiss the appeal. We deny Jones' motion for appointment of

* Although Jones stated in his notice of appeal that he did not receive notice of the entry of the district court's final order until May 14, 2009, his notice of appeal falls outside of the seven-day requirement in Rule 4(a)(6)(B) and therefore a reopening of the appeal period is not permitted.

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.

DISMISSED