

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 95-7640

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ELLIOTT GAINES,

Plaintiff - Appellant,

versus

DOROTHY F. KEA, Registrar of the State Board  
of Elections; JANET RENO, United States Attor-  
ney General; GEORGE ALLEN, Governor of Virgin-  
ia; JAMES S. GILMORE, III, Attorney General of  
Virginia; BRUCE MEADOW, Secretary of State  
Board of Elections,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Alexandria. Albert V. Bryan, Jr., Senior  
District Judge. (CA-95-971-AM)

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Submitted: March 21, 1996

Decided: April 4, 1996

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Before NIEMEYER and MICHAEL, Circuit Judges, and BUTZNER, Senior  
Circuit Judge.

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Dismissed in part and affirmed in part by unpublished per curiam  
opinion.

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Elliott Gaines, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Appellant appeals from the district court's orders denying relief on his 42 U.S.C. § 1983 (1988) complaint and denying his motion for reconsideration. Appellant noted the appeal of the dismissal outside the sixty-day appeal period established by Fed. R. App. P. 4(a)(1), failed to obtain an extension of the appeal period within the additional thirty-day period provided by Fed. R. App. P. 4(a)(5), and is not entitled to relief under Fed. R. App. P. 4(a)(6). The time periods established by Fed. R. App. P. 4 are "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)). The district court entered its order on July 19, 1995; Appellant's notice of appeal was filed on October 9, 1995. Appellant's failure to note a timely appeal or obtain an extension of the appeal period deprives this court of jurisdiction to consider the dismissal of his complaint. We therefore dismiss the appeal of the July 19 order.

Appellant also appeals the denial of his motion for reconsideration. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. Gaines v. Kea, No. CA-95-971-AM (E.D. Va. Sept. 13, 1995). We deny Appellant's motion to appoint 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 IN PART, AFFIRMED IN PART