

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-2136

ANNELLA A. ROYSTER,

Plaintiff - Appellant,

versus

PATRICIA M. WALL; JOHN D. NETHERLAND; VIRGINIA
DEPARTMENT OF CORRECTIONS,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. David G. Lowe, Magistrate Judge. (CA-98-690-3)

Submitted: December 16, 1999

Decided: December 27, 1999

Before MURNAGHAN and MOTZ, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Annella A. Royster, Appellant Pro Se. Guy Winston Horsley, Jr., Assistant Attorney General, Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Annella A. Royster seeks to appeal the magistrate judge's order* dismissing her civil action. We dismiss the appeal for lack of jurisdiction because Royster's notice of appeal was not timely filed.

Parties are accorded thirty days after entry of the district court's final judgment or order to note an appeal, see Fed. R. App. P. 4(b)(1), 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. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)).

The magistrate judge's order was entered on the docket on July 15, 1999. Royster's notice of appeal was filed on August 18, 1999. Because Royster 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

* The parties consented to the magistrate judge's jurisdiction. See 28 U.S.C.A. § 636(c)(1) (West Supp. 1999).