

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-6059

ROBERT LEE WASHINGTON,

Plaintiff - Appellant,

versus

JUDY A. WRIGHT, Sergeant; LIEUTENANT ELKS;
WILLIE WELDON, Warden of Lieber Correctional
Institution; MAE BROWN, Head of Classifica-
tion; MARVIN POWELL, Investigator,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Greenville. Joseph F. Anderson, Jr., District
Judge. (CA-98-2259-6-17-AK)

Submitted: March 11, 1999

Decided: March 18, 1999

Before WIDENER and LUTTIG, Circuit Judges, and PHILLIPS, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Robert Lee Washington, Appellant Pro Se. Edwin Warren Moise, GRIM-
BALL & CABANISS, Charleston, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant filed an untimely notice of appeal. We dismiss for lack of jurisdiction. The time periods for filing notices of appeal are governed by Fed. R. App. P. 4. These periods 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)). Parties to civil actions are accorded thirty days within which to file in the district court notices of appeal from judgments or final orders. Fed. R. App. P. 4(a)(1). This appeal period may be extended under Fed. R. App. P. 4(a)(5) or reopened under Fed. R. App. P. 4(a)(6).

The district court entered its order on November 24, 1998; Appellant's notice of appeal was filed on January 5, 1999, which was beyond the thirty-day appeal period. Appellant's failure to note a timely appeal or obtain an extension of the appeal period leaves this court without jurisdiction to consider the merits of Appellant's appeal. We therefore dismiss this 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