

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-7092

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ISAAC PERRY, a/k/a Ike,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Fox, District Judge. (CR-93-42-F)

Submitted: November 18, 1999

Decided: November 24, 1999

Before WILKINS, HAMILTON, and LUTTIG, Circuit Judges.

Affirmed in part and dismissed in part by unpublished per curiam opinion.

Isaac Perry, Appellant Pro Se. Robert Edward Skiver, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Isaac Perry appeals the district court's orders denying his motion for a writ of error coram nobis and his motion to reconsider. We dismiss the appeal from the order denying the motion for a writ of error coram nobis for lack of jurisdiction and affirm the order denying the motion to reconsider.

In civil actions in which the United States or an officer or agency thereof is a party, all parties are accorded sixty days after the entry of the district court's final judgment or order to note an appeal, see Fed. R. App. P. 4(a)(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 district court's order denying the motion for a writ of error coram nobis was entered on the docket on May 7, 1999.* Perry's notice of appeal was filed on August 3, 1999. Because Perry failed to file a timely notice of appeal or to obtain an ex-

* Although the district court's order denying the motion for a writ of error coram nobis is marked as "filed" on May 3, 1999, the district court's records show that the order was entered on the docket sheet on May 7, 1999. Pursuant to Fed. R. Civ. P. 58 and 79(a), we consider the date the order was entered as the effective date of the district court's decision. See Wilson v. Murray, 806 F.2d 1232, 1234-35 (4th Cir. 1986).

tension or reopening of the appeal period, we dismiss this portion of the appeal for lack of jurisdiction.

With regard to Perry's appeal of the district court's order denying his motion to reconsider, 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. See United States v. Perry, No. CR-93-42-F (E.D.N.C. July 19, 1999). We deny Perry's motion for an enlargement of time to file an informal reply brief and 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 AND DISMISSED IN PART