

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-7362

RICARDO EVANS,

Plaintiff - Appellant,

versus

INDIAN CREEK CORRECTIONAL CENTER; P. A.
TERRANGI; L. CORNER,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (CA-99-375-AM)

Submitted: November 18, 1999

Decided: November 24, 1999

Before WILKINS, HAMILTON, and LUTTIG, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Ricardo Evans, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Ricardo Evans seeks to appeal the district court's order dismissing Evans' 42 U.S.C.A. § 1983 (West Supp. 1999) complaint for failure to pay the partial filing fee. We dismiss the appeal for lack of jurisdiction because Evans'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 district court's order was entered on the docket on July 20, 1999.* Evans's notice of appeal was filed on October 5, 1999. Because Evans failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny his motion for appointment of counsel and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are

* Although the order from which Evans appeals was filed on July 19, 1999, it was entered on the district court's docket sheet on July 20, 1999. July 20, 1999, is therefore the effective date of the district court's decision. See Fed. R. Civ. P. 58 and 79(a); see also Wilson v. Murray, 806 F.2d 1232, 1234-35 (4th Cir. 1986).

adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED