

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6046

GARY F. REDEMANN,

Plaintiff - Appellant,

versus

THOMAS CORCORAN,

Defendant - Appellee.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Marvin J. Garbis, District Judge. (CA-00-2415-MJG)

Submitted: May 3, 2001

Decided: May 23, 2001

Before NIEMEYER, WILLIAMS, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Gary F. Redemann, Appellant Pro Se. John Joseph Curran, Jr., Attorney General, David Phelps Kennedy, OFFICE OF THE ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Gary Redemann seeks to appeal the district court's order granting Corcoran's motion for summary judgment on Redemann's 42 U.S.C.A. § 1983 (West 1994 & Supp. 2000) claim. We dismiss the appeal for lack of jurisdiction because Redemann's notice of appeal was not timely filed.

In civil actions in which the United States is not a party, litigants are accorded thirty 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 granting summary judgment was entered on the docket on October 20, 2000. Redemann's notice of appeal was dated on December 28, 2000, and filed January 3, 2001. Because Redemann 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