

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-7827**

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ANTHONY MCSHEFFRY,

Petitioner - Appellant,

versus

PATRICK CONROY, Warden, Maryland House of  
Correction-Annex; ATTORNEY GENERAL FOR THE  
STATE OF MARYLAND,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
Maryland, at Baltimore. Catherine C. Blake, District Judge. (CA-  
00-3622-CCB)

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Submitted: January 31, 2002

Decided: February 11, 2002

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Before NIEMEYER, WILLIAMS, and MICHAEL, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Anthony McSheffry, Appellant Pro Se. John Joseph Curran, Jr.,  
Attorney General, Ann Norman Bosse, OFFICE OF THE ATTORNEY GENERAL  
OF MARYLAND, Baltimore, Maryland, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Anthony McSheffry appeals the district court's order dismissing his 28 U.S.C.A. § 2254 (West 1994 & Supp. 2001) petition on procedural and substantive grounds. We dismiss the appeal for lack of jurisdiction because McSheffry'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(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 was filed on July 30, 2001, and entered on the docket on July 31, 2001. McSheffry's notice of appeal was filed on October 25, 2001. Because McSheffry failed to file a timely notice of appeal or to obtain an extension or re-opening of the appeal period, we deny a certificate of appealability and dismiss the appeal. We further deny McSheffry's motion for a transcript. 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