

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-1289

HARTFORD FIRE INSURANCE COMPANY,

Plaintiff - Appellee,

versus

RICHARD D. MEDLIN,

Defendant - Appellant,

DENISE M. SMITH,

Respondent,

HEARTHSIDE BUILDERS AND DEVELOPERS,
INCORPORATED; EASTLAND DEVELOPERS,
INCORPORATED; GARDNER H. ALTMAN, JR.; MID-
SOUTH PROPERTY MANAGEMENT, INCORPORATED;
MICHAEL T. MILLS; LANDFALL ASSOCIATES; LELAND
PARTNERSHIP; THOMAS L. DOWNS, JR., d/b/a Pro's
Automotive and Sales; LAWYERS TITLE OF NORTH
CAROLINA, INCORPORATED; THE DOOR CHRISTIAN
FELLOWSHIP CHURCH, INCORPORATED,

Garnishees,

and

CYLLENE M. MEDLIN; EDWARD H. MEDLIN,
Individually; BROOKSTONE DEVELOPERS,
INCORPORATED; MCBETH & MOORE, INCORPORATED;
SUNBELT DIVERSITIES CORPORATION; THE KEYS
CORPORATION; EUGENE BOYCE, as Trustee of the
Trust of Amanda Nicole Medlin under the trust
agreement dated January 4, 1993; BUNCOMBE

COUNTY, NORTH CAROLINA; LEADER CONSTRUCTION
COMPANY, INCORPORATED,

Defendants.

Appeal from the United States District Court for the Eastern
District of North Carolina, at Wilmington. W. Earl Britt, Senior
District Judge. (CA-93-104-7-BR)

Submitted: October 8, 2002

Decided: October 30, 2002

Before WILKINS, NIEMEYER, and LUTTIG, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Richard D. Medlin, Appellant Pro Se. Louie Franklin Elmore,
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, Greenville, South
Carolina; Daniel Lee Brawley, Sr., WARD & SMITH, P.A., Wilmington,
North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Richard D. Medlin seeks to appeal the district court's order denying his Fed. R. Civ. P. 60(b)(5) motion for relief from judgment. We dismiss the appeal for lack of jurisdiction because Medlin's notice of appeal was not timely filed.

Parties 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 was entered on the docket on January 10, 2002. Medlin's notice of appeal was filed on February 19, 2002.* Because Medlin 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

* Because Medlin is a prisoner, his notice of appeal is considered filed the day it is signed and delivered to prison authorities. Houston v. Lack, 487 U.S. 266, 276 (1988).

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

DISMISSED