

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1164

SYED H. (NAYYAR) ZAIDI,

Plaintiff - Appellant,

versus

MARK T. CROSSLAND, P.C.; GORDON P. PEYTON,
Esquire,

Defendants - Appellees.

No. 04-1219

SYED H. (NAYYAR) ZAIDI,

Plaintiff - Appellee,

versus

GORDON P. PEYTON, Esquire,

Defendant - Appellant,

and

MARK T. CROSSLAND, P.C.,

Defendant.

Appeals from the United States District Court for the Eastern District of Virginia, at Alexandria. T. S. Ellis, III, District Judge. (CA-03-1186-A)

Submitted: June 25, 2004

Decided: July 29, 2004

Before WILKINSON and LUTTIG, Circuit Judges, and HAMILTON, Senior Circuit Judge.

No. 04-1164, dismissed in part, affirmed in part and No. 04-1219, dismissed by unpublished per curiam opinion.

Syed H. (Nayyar) Zaidi, Appellant/Cross-appellee Pro Se. Daniel Sean Schumack, SCHUMACK RYALS, P.L.L.C., Fairfax, Virginia, for Appellee Crossland. Robert Emery Draim, David Drake Hudgins, HUDGINS LAW FIRM, Alexandria, Virginia, for Appellee/Cross-appellant Peyton.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

In No. 04-1164, Syed H. Zaidi seeks to appeal from the district court's orders of November 7, 2003, December 15, 2003, and December 31, 2003, denying relief and reconsideration on Zaidi's civil action against Mark Thomas Crossland, P.C., and Gordon P. Peyton, Esq. In No. 04-1219, Peyton cross-appeals, challenging the district court's order of November 7, 2003, as clarified by its order of December 15, 2003, insofar as the district court denied Peyton's Fed. R. Civ. P. 11 motion for sanctions. Additionally, Peyton asserts Zaidi's appeal is frivolous, and moves for this Court to impose damages and costs on Zaidi under Fed. R. App. P. 38.

In No. 04-1164, we dispose of Zaidi's appeal as follows. As to Zaidi's appeal from the district court's orders of November 7, 2003, and December 15, 2003, we dismiss Zaidi's appeal as untimely. In a civil case against a non-federal party, litigants are accorded thirty days after the district court's entry of a final judgment or order to note an appeal, Fed. R. App. P. 4(a)(1), unless the district court extends the appeal period, Fed. R. App. P. 4(a)(5), or reopens the appeal period. Fed. R. App. P. 4(a)(6). The appeal period is mandatory and jurisdictional. Browder v. Director, Dep't of Corr., 434 U.S. 257, 267 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)). Expiration of the time limits deprives the court of jurisdiction over the case.

Hensley v. Chesapeake & O. Ry. Co., 651 F.2d 226, 228 (4th Cir. 1981). Zaidi's January 30, 2004, notice of appeal is untimely as to the district court's orders of November 7, 2003, and December 15, 2003. Accordingly, we dismiss Zaidi's appeal from these orders as untimely. As to Zaidi's appeal from the district court's order of December 31, 2003, denying reconsideration, we have reviewed the record and find no reversible error, and we therefore affirm the district court's order. See Zaidi v. Crossland, No. CA-03-1186-A (E.D. Va. Dec. 31, 2003).

In No. 04-1219, we dispose of Peyton's cross-appeal and motion as follows. As to Peyton's cross-appeal from the district court's order of November 7, 2003, as clarified by its order of December 15, 2003, we dismiss Peyton's cross-appeal as untimely. Insofar as Zaidi's January 30, 2004, notice of appeal is untimely as to the district court's orders of November 7, 2003, and December 15, 2003, Peyton's February 13, 2004, notice of appeal, though filed within fourteen days of Zaidi's January 30, 2004, notice of appeal, is also untimely as to the district court's orders of November 7, 2003, and December 15, 2003. Fed. R. App. P. 4(a)(3). We deny Peyton's motion for this Court to impose damages and costs on Zaidi under Fed. R. App. P. 38.

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.

No. 04-1164: DISMISSED IN PART; AFFIRMED IN PART

No. 04-1219: DISMISSED