

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6233

VINCENT LAMONT MARTIN,

Plaintiff - Appellant,

versus

HELEN FAHEY, Chairperson of the Virginia Parole Board; DAVID HARKER, Vice-Chairman of the Virginia Parole Board; CAROLE SIEVERS; HERBERT COULTON; MICHAEL HAWES, Members of the Virginia Parole Board,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. David G. Lowe, Magistrate Judge. (CA-03-401-3)

Submitted: June 18, 2004

Decided: July 16, 2004

Before LUTTIG, GREGORY, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Brent A. Jackson, HILL, TUCKER, MARSH & JACKSON, Richmond, Virginia, for Appellant. Jerry W. Kilgore, Attorney General, Richard C. Vorhis, Assistant Attorney General, William W. Muse, Senior Assistant Attorney General, Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Vincent L. Martin seeks to appeal the magistrate judge's order dismissing his 42 U.S.C. § 1983 (2000) complaint.* We dismiss the appeal for lack of jurisdiction because the 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, Fed. R. App. P. 4(a)(1)(A), 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 Corr., 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)).

The magistrate judge's order was entered on the docket on December 19, 2003. The notice of appeal was filed on January 28, 2004. Because Martin 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

*The parties consented to the jurisdiction of the magistrate judge under 28 U.S.C. § 636(c) (2000).