

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6923

MARK MEYER, a/k/a #219195, a/k/a "Supreme"
Outspoken "7 Allah",

Plaintiff - Appellant,

versus

BERNARD WALKER, Major at Allendale Correctional Institution; D. LAMBRIGHT, Ex-Lieutenant at Allendale Correctional Institution; LIEUTENANT WANBOLT, Lieutenant at Allendale Correctional Institution; MELISHA L. GRANT, Ex-LPN at Allendale Correctional Institution; JONATHAN O. BENNETT, Ex-RN at Allendale Correctional Institution; THOMAS E. BYRNES, Medical Doctor at Allendale Correctional Institution; ROBERT E. WARD, Regional Director for South Carolina Department of Corrections; JOHN R. PATE, Acting Warden at Allendale Correctional Institution; KEN LONG, Institutional Grievance Coordinator at Allendale Correctional Institution; ANN HALLMON, Institutional Grievance Coordinator at Allendale Correctional Institution; GERALDINE MIRO, Ex-Warden of Allendale Correctional Institution; JUDY C. ANDOM, of South Carolina Correctional Department Headquarters; HELEN FREEMAN, Postal Director at Allendale Correctional Institution; SERGEANT RUMPH, Allendale Correctional Institution; SERGEANT PEARSON, South Carolina Department of Corrections Headquarters sued in their individual and official capacity,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Florence. Margaret B. Seymour, District Judge. (CA-02-3628-4)

Submitted: August 12, 2004

Decided: August 20, 2004

Before NIEMEYER, WILLIAMS, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Mark Meyer, Appellant Pro Se. Christy Scott Stephens, Paul B. Ferrara, III, BOGOSLOW, JONES, STEPHENS & DUFFIE, PA, Walterboro, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Mark Meyer seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on his 42 U.S.C. § 1983 (2000) action. 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 district court's order was entered on the docket on March 29, 2004. The notice of appeal was filed on May 4, 2004.* Because Meyer failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal.

*Meyer's notice of appeal indicates that he submitted it to prison officials for mailing on May 4, 2004. See Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266 (1988).

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