

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7247

ANTONIO BURTS,

Plaintiff - Appellant,

v.

GREENVILLE CLERK OF COURT; SOLICITORS OFFICE, 13th Judicial Circuit; DOROTHY A. MANIGAULT, Attorney; PHILPOT LAW FIRM, P.A.; ROBERT M. ARIAIL, Solicitor; JOSEPH L. SAVITZ, III, Appellate Defense Chief Attorney; WANDA H. CARTER, Chief Deputy; HENRY MCMASTER, Attorney General; KAREN RATJAN, Assistant Attorney General; KENNETH C. GIBSON, PCR Attorney; EVERETT P. GODFREY, Jr., Esq., Case #06-OF-775; FRANK L. EPPS, Esq., Case no. 06-DE-L-777, in connection with case no. 6-06-2500 and case PCR no. 2006-CP-23-0611; DAVID WAGNER, Esq., Case no. 06-DE-L-873; DAVID ROSS, Esq., Case no. 06-DE-L-873; SUSANNAH ROSS, Esq., Case no. 06-DE-L-778; EDWARD E. WELMAKER, Judge; GARY MICHAEL NETTLES, Judge - PCR; EDWARD W. MILLER, Trial Judge 11/28/05; DANIEL E. SHEARHOUSE; SUPREME COURT OF SOUTH CAROLINA; BRENDA F. SHEALY; RALPH ANDERSON, Senator; KAY PATTERSON, Senator; SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY; GREENVILLE COUNTY INVESTIGATIONS DIVISION; O. B. SMITH, Sergeant - Selective Enforcement Division; UNITED STATES DEPARTMENT OF JUSTICE, Washington, DC; UNITED STATES POSTAL SERVICE; SOUTH CAROLINA STATE CONFERENCE; MARSHALL CLEMENT SANFORD, Jr., Governor; LINDSEY GRAHAM, U. S. Senator; GLENN F. MCCONNELL; SOUTH CAROLINA LEGISLATORS; APPELLATE DEFENSE SOUTH CAROLINA OFFICE; HOLLIE M. JENKINS, Circuit Court Reporter; PCR COURT REPORTER, on 2/27/07; GREENVILLE COUNTY MAGISTRATE COURT JUDGES, in connection with all criminal background records of bond proceedings etc., within herein, indigent defense of South Carolina; KAYE GORENFLO HEARN, Court of Appeals; JEAN HOEFER TOAL, Supreme Court Judicial Department; JAMES E. MOORE; SOCIAL SECURITY ADMINISTRATION, Washington, DC,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Henry M. Herlong, Jr., District Judge. (8:07-cv-03011-HMH-BHH)

Submitted: October 21, 2008

Decided: October 29, 2008

Before MICHAEL, TRAXLER, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Antonio Burts, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Antonio Burts seeks to appeal an unspecified order in his 42 U.S.C. § 1983 (2000) action. The district court issued its most recent decision on December 19, 2007, when it dismissed Burts' action without prejudice for failure to prosecute and for noncompliance with court orders.* 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. Dir., 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 December 19, 2007. The notice of appeal was filed in July 2008. Because Burts 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

*Burts' previous appeal from this order was timely but unsuccessful. See Burts v. Greenville Clerk of Court, 275 F. App'x 239 (4th Cir. 2008) (No. 08-6243).

facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED