

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7034

JAMES DONALD PRITCHETT,

Petitioner - Appellant,

versus

RONALD J. ANGELONE, Director of the Virginia
Department of Corrections,

Respondent - Appellee.

Appeal from the United States District Court for the Western Dis-
trict of Virginia, at Roanoke. Jackson L. Kiser, Senior District
Judge. (CA-98-123-R)

Submitted: February 9, 1999

Decided: March 15, 1999

Before ERVIN and TRAXLER, Circuit Judges, and PHILLIPS, Senior Cir-
cuit Judge.

Dismissed by unpublished per curiam opinion.

James Donald Pritchett, Appellant Pro Se. John Kenneth Byrum, Jr.,
OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

James D. Pritchett seeks to appeal the district court's orders denying relief on his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 1998) and his motion for reconsideration. As to the denial of his § 2254 petition, Pritchett's notice of appeal is untimely, and we dismiss for lack of jurisdiction. Pritchett had thirty days to note an appeal from the district court's May 28, 1998 order. His notice of appeal was dated July 8, 1998, which is beyond the thirty-day appeal period. See Fed. R. App. P. 46(a)(1). Pritchett's failure to note a timely appeal or to obtain an extension of the appeal period deprives us of jurisdiction to review the May 28 order. Because Pritchett's motion for reconsideration was filed more than ten days after the May 28 order, it did not toll the appeal period. See Fed. R. App. P. 4(a)(4). As for the court's denial of the motion for reconsideration, we have reviewed the record and the district court's order and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal as to both orders. Pritchett v. Angelone, No. CA-98-123-R (W.D. Va. May 28 & July 1, 1998). 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