

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-1203

SEAN NICHOLSON,

Plaintiff - Appellant,

versus

TRACOR APPLIED SCIENCES, INCORPORATED,

Defendant - Appellee.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Andre M. Davis, District Judge. (CA-98-1053-AMD)

Submitted: September 14, 1999

Decided: September 30, 1999

Before MURNAGHAN and WILLIAMS, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Joe C. Ashworth, Leonardtown, Maryland, for Appellant. Darrell R. VanDeusen, Joseph R. Salko, KOLLMAN & SHEEHAN, P.A., Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Sean Nicholson seeks to appeal the district court's order denying his action alleging employment discrimination. We dismiss the appeal for lack of jurisdiction because Nicholson's 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, see Fed. R. App. P. 4(a)(1), 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 Corrections, 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 January 6, 1999. Nicholson's notice of appeal was filed on February 8, 1999. Because Nicholson 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