

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-6933

GREGORY SCOTT,

Plaintiff - Appellant,

versus

MICHAEL W. MOORE, Director, SCDC; WILLIAM D. CATOE; ROBERT E. WARD, Warden; PHILLIP E. MCLEOD, Associate Warden; ROLAND MCFADDEN, Associate Warden; JAMES SMITH; JAMES STUCKEY, Major; LINDA BOBO; PHOEBE B. JOHNSON, Warden; STEPHEN R. CLAYTON; FELICIA OGUNVILIE; JAMES R. SEWELL, Major; ANDREW RILEY, Major,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Charles E. Simons, Jr., Senior District Judge. (CA-99-721-3-6BC)

Submitted: September 30, 1999

Decided: October 8, 1999

Before NIEMEYER, WILLIAMS, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Gregory Scott, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Gregory Scott filed an untimely notice of appeal of the district court's order dismissing his complaint without prejudice. We dismiss for lack of jurisdiction. The time periods for filing notices of appeal are governed by Fed. R. App. P. 4. These periods are "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)). Parties to civil actions are accorded thirty days within which to file in the district court notices of appeal from judgments or final orders. Fed. R. App. P. 4(a)(1). This appeal period may be extended under Fed. R. App. P. 4(a)(5) or reopened under Fed. R. App. P. 4(a)(6).

The district court entered its order on April 29, 1999; Scott's notice of appeal was improperly filed in the South Carolina Court of Appeals on June 30, 1999, which was beyond the thirty-day appeal period. Scott's failure to note a timely appeal or obtain an extension of the appeal period leaves this court without jurisdiction to consider the merits of his appeal. We therefore 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