

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-7235

JESSIE LEE CAULDER,

Plaintiff - Appellant,

versus

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS;
MICHAEL MOORE, Director of SCDC; MARVIN GOOD-
WIN, Plant Manager,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. Joseph F. Anderson, Jr., District
Judge. (CA-98-3257-2-17AJ)

Submitted: January 13, 2000

Decided: January 19, 2000

Before WIDENER, WILKINS, and LUTTIG, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Jessie Lee Caulder, Appellant Pro Se. Larry Cleveland Batson,
Robert Eric Petersen, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,
Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Jessie Lee Caulder seeks to appeal the district court's order dismissing his negligence action on the basis that the South Carolina Worker's Compensation Act provided his sole remedy. We dismiss the appeal for lack of jurisdiction because Caulder's notice of appeal was not timely filed.

Parties are accorded thirty days after entry of the district court's final judgment or order to note an appeal, see Fed. R. App. P. 4(b)(1), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5). 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 extended the appeal period in this case, granting Caulder until September 4, 1999, to file his notice of appeal. While Caulder's notice of appeal was dated September 3, 1999, the prison mailroom's stamp indicates that he gave his notice of appeal to the mailroom on or about September 8, 1999. Because no other evidence contradicts the mailroom's stamp date, we find that Caulder's notice of appeal was filed on September 8, 1999. See Fed. R. App. P. 4(c). Accordingly, we dismiss this appeal as untimely. 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