

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

No. 99-7626

---

ROBERT L. CADY,

Plaintiff - Appellant,

versus

ANGERS ALLER; MARY SADLER; LINDA PADGETT; S.  
COLLINS; JAMES BYRUM,

Defendants - Appellees,

and

JAMES B. HUNT; JOHN DEES; MOHAMMAD BALOCH,  
Medical Director; RANNY FUTRELL; JACK V.  
TURLINGTON; JOHN R. BROWN; H. A. ROSEFIELD;  
DANIEL L. STIENEKE; MACK JARVIS,

Defendants.

---

Appeal from the United States District Court for the Eastern  
District of North Carolina, at Raleigh. Malcolm J. Howard,  
District Judge. (CA-98-338-5)

---

Submitted: April 13, 2000

Decided: April 19, 2000

---

Before WIDENER and WILKINS, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

---

Dismissed by unpublished per curiam opinion.

---

Robert L. Cady, Appellant Pro Se. William Dennis Worley, OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh, North Carolina, for Appellees.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Robert L. Cady seeks to appeal the district court's order denying relief on his 42 U.S.C.A. § 1983 (West Supp. 1999) action. We dismiss the appeal for lack of jurisdiction because Cady's notice of appeal was not timely filed.

Parties to civil actions 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(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 October 19, 1999. Cady's notice of appeal was filed on November 21, 1999.\* Because Cady failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We deny Cady's motion for appointment of counsel and dispense with oral argument because the facts and legal

---

\* For the purpose of this appeal, we assume that the date appearing on the notice of appeal is the earliest date it could have been given to prison officials for mailing. See Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266 (1988).

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

DISMISSED