

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-7370

WILLIE JAMES JONES,

Petitioner - Appellant,

versus

MATTHEW B. HAMIDULLAH, Warden; HENRY DARGAN
MCMASTER, Attorney General of South Carolina,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. Patrick Michael Duffy, District
Judge. (2:05-cv-2736-PMD)

Submitted: November 21, 2006

Decided: December 1, 2006

Before TRAXLER and DUNCAN, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Willie James Jones, Appellant.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Willie James Jones seeks to appeal the district court's order dismissing his 28 U.S.C. § 2254 (2000) petition. We dismiss the appeal for lack of jurisdiction because the 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, Fed. R. App. P. 4(a)(1)(A), 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. Dir., Dep't of Corr., 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 December 6, 2005. The notice of appeal was executed on June 14, 2006. The district court improperly authorized Jones's belated notice of appeal, as it was filed more than 180 days after the entry of the district court's order. See Fed. R. App. P. 4(a)(6)(B). Because Jones failed to file a timely notice of appeal or to timely 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