

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 07-1976

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CHRISTINE MARGARET THOMPKE,

Plaintiff - Appellant,

v.

CITY OF MYRTLE BEACH SOUTH CAROLINA; CITY OF MYRTLE BEACH POLICE DEPARTMENT; ARRESTING OFFICER FRAKES, City of Myrtle Beach South Carolina Police Department; AUTO BODY WORKS, INCORPORATED; R. L. SUTTER, Officer; UNIDENTIFIED BUSINESS ENTITIES 1 - 10, Seven other currently unidentified agencies or businesses; UNIDENTIFIED INDIVIDUALS, Seventeen other currently unidentified persons or people; OFFICER URSITS, City of Myrtle Beach South Carolina Police Department,

Defendants - Appellees.

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Appeal from the United States District Court for the District of South Carolina, at Florence. Terry L. Wooten, District Judge. (4:05-cv-00452)

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Submitted: June 2, 2008

Decided: July 16, 2008

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Before TRAXLER and KING, Circuit Judges, and WILKINS, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Christine Margaret Thompke, Appellant Pro Se. Cynthia Graham Howe, BATTLE, VAUGHT & HOWE, PA, Conway, South Carolina; Robert E. Horner, Rebecca Laffitte, SOWELL, GRAY, STEPP & LAFFITTE, LLC, Columbia, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Christine Margaret Thompke seeks to appeal the district court's order accepting the magistrate judge's recommendation and granting summary judgment in favor of Defendants in Thompke's civil action. See Thompke v. Myrtle Beach, No. 4:05-cv-00452 (D.S.C. Mar. 26, 2007). We dismiss the appeal for lack of jurisdiction because the 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, 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 March 26, 2007. The notice of appeal was filed on September 26, 2007. Because Thompke failed to file a timely notice of appeal and the district court denied an extension or reopening of the appeal period, we dismiss the appeal. We deny Thompke's motion to preclude certain court staff from working on this 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