UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6136

JAMES CURTIS SOWELLS,

Plaintiff - Appellant,

versus

DILLON COUNTY DETENTION CENTER; JOHNNY SAPP,
Captain; ALL SUBORDINATES CORRECTION OFFICERS;
JUDGE DAVIS,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Rock Hill. Cameron McGowan Currie, District
Judge. (0-06-cv-03284-CMC)

Submitted: July 18, 2007   Decided: August 1, 2007

Before KING, SHEDD, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

James Curtis Sowells, Appellant Pro Se.

PER CURIAM:

James Curtis Sowells seeks to appeal the district court's order dismissing his 42 U.S.C. § 1983 (2000) action. 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 December 18, 2006. The notice of appeal can be deemed filed, at the earliest, on January 22, 2007.[*] Because Sowells failed to file a timely notice of appeal or to 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

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[*]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 properly delivered to prison officials for mailing to the court. Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266 (1988).

presented in the materials before the court and argument would not

aid the decisional process.

DISMISSED