<u>**UNPUBLISHED**</u>

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

———————

No. 08-2114

———————

MELTON SUMMERVILLE,

              Plaintiff - Appellant,

     v.

AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL
EMPLOYEES; LOCAL 77,

              Defendants - Appellees.

———————

Appeal from the United States District Court for the Middle
District of North Carolina, at Durham. Thomas David Schroeder,
District Judge. (1:06-cv-00719-TDS-PTS)

———————

Submitted: February 26, 2009   Decided: March 3, 2009

———————

Before NIEMEYER, MICHAEL, and GREGORY, Circuit Judges.

———————

Dismissed by unpublished per curiam opinion.

———————

Melton Summerville, Appellant Pro Se. J. David James, SMITH,
JAMES, ROWLETT & COHEN, LLP, Greensboro, North Carolina; Michael
Griffin Okun, PATTERSON HARKAVY LLP, Raleigh, North Carolina,
for Appellees.

———————

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Melton Summerville seeks to appeal the district court's order granting Defendants' motion to hold Summerville in contempt and awarding Defendants compensatory damages, attorney fees, and costs. 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 August 26, 2008. The notice of appeal was filed on September 30, 2008. Because Summerville 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 presented in the materials before the court and argument would not aid the decisional process.

DISMISSED