

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6205

TERENCE TERELL BRYAN,

Plaintiff - Appellant,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS; FNU BIRD,
Lieutenant; CAPTAIN PRICE; OFFICER OUTLAW; TRANSPORTATION
SERGEANT; GREY HOUSE, Officer; OFFICER PHILLIPS; FIRST NAME
UNKNOWN, Lieutenant,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Florence. Terry L. Wooten, District Judge.
(4:06-cv-03358-TLW)

Submitted: April 18, 2008

Decided: May 1, 2008

Before WILKINSON, TRAXLER, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Terence Terell Bryan, Appellant Pro Se. Charles Franklin Turner,
Jr., TURNER, PADGET, GRAHAM & LANEY, PA, Greenville, South
Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Terence Terell Bryan seeks to appeal the district court's order denying relief on his 42 U.S.C. § 1983 (2000) complaint. Appellees have moved to dismiss the appeal as untimely filed. We grant the motion and 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 September 13, 2007. The notice of appeal was filed on January 28, 2008. Because Bryan failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we grant the motion to dismiss the appeal. The motion for appointment of counsel is denied. 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