UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 05-6838

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UNITED STATES OF AMERICA,

                                    Plaintiff - Appellee,

        versus

WILLIAM HORACE JOHNSON, JR.,

                                    Defendant - Appellant.

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Appeal from the United States District Court for the Eastern
District of North Carolina, at Raleigh.   Terrence W. Boyle,
District Judge. (CR-04-28-4-1-H; CA-96-178-1)

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Submitted: February 16, 2006   Decided: February 21, 2006

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

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Dismissed by unpublished per curiam opinion.

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William Horace Johnson, Jr., Appellant Pro Se.

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PER CURIAM:

William Horace Johnson seeks to appeal the district court's order denying his motion under Fed R. Civ. P. 60(b) seeking reconsideration of the court's prior order denying habeas relief under 28 U.S.C. § 2255 (2000). We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

When the United States or its officer or agency is a party, the notice of appeal must be filed no more than sixty days after the entry of the district court's final judgment or order, Fed. R. App. P. 4(a)(1)(B), 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. Director, 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 28, 2004. The notice of appeal was filed on March 24, 2005. Because Johnson failed to file a timely notice of appeal or obtain an extension or reopening of the appeal period, we deny a certificate of appealability and 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