

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-7189**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CEDRIC LEVAR ALEXANDER,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of Virginia, at Roanoke. James H. Michael, Jr., Senior District Judge. (CR-01-35; CA-04-393)

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Submitted: May 16, 2006

Decided: May 19, 2006

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Before WILLIAMS, MOTZ, and TRAXLER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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John Weber III, WEBER PEARSON, PC, Roanoke, Virginia; Robert Allen Ratliff, ROBERT A. RATLIFF, PC, Mobile, Alabama, for Appellant. Ray B. Fitzgerald, Jr., OFFICE OF THE UNITED STATES ATTORNEY, Charlottesville, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Cedric Levar Alexander seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 (2000) motion. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

When the United States is a party, a 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 judgment was entered on the docket on May 26, 2005. Alexander's counsel certified that he electronically filed the notice of appeal on July 26, 2005. Because Alexander 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