

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1155

REVEREND FRANKLIN C. REAVES; FANNIE MELETTE;
LAMAR MELETTE; BETTY R. DAVIS; LEWAN MELETTE;
SUSAN CRAWFORD; FRANCES HUGGINS; DAVID
FRAZIER; MICHAEL SMALL; BEULAH MCCUMMINGS;
MONEIK M. MCCUMMINGS; ASHLEY T. MCCUMMINGS,

Plaintiffs - Appellants,

versus

STATE OF SOUTH CAROLINA, Attorney General
Henry McMaster,

Defendant - Appellee,

and

UNITED STATES DEPARTMENT OF JUSTICE, Civil
Rights Division Voting Section; JOHN ASHCROFT,
Attorney General, US Department of Justice;
JOSEPH D. RICH, Chief US Department of Justice
Civil Rights Division Voting Section,

Defendants.

Appeal from the United States District Court for the District of
South Carolina, at Florence. Terry L. Wooten, District Judge.
(4:05-cv-00566-TLW)

Submitted: August 2, 2006

Decided: August 24, 2006

Before MOTZ and GREGORY, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Reverend Franklin C. Reaves, Fannie Melette, Lamar Melette, Betty R. Davis, Lewan Melette, Susan Crawford, Frances Huggins, David Frazier, Michael Small, Beulah McCummings, Moneik M. McCummings, Ashley T. McCummings, Appellants Pro Se. Henry Dargan McMaster, Attorney General, John William McIntosh, Assistant Attorney General, Columbia, South Carolina; Elizabeth Ramage McMahon, OFFICE OF THE ATTORNEY GENERAL, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellants seek to appeal the district court's order denying relief on their motion objecting to the referral of pretrial matters to the magistrate judge for report and recommendation. 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 amended judgment was entered on the docket on November 1, 2005, and the Appellants filed their notice of appeal on January 25, 2006. Because the Appellants failed to file a timely notice of appeal or obtain an extension or reopening of the appeal period, we dismiss the appeal. Even if the notice of appeal could be construed as a timely appeal from the district court's continued referral of matters to the magistrate judge, we lack jurisdiction over the appeal as the order is neither final nor an appealable interlocutory or collateral order. See 28 U.S.C.

§§ 1291, 1292 (2000); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949).

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