

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1178

KATHRYN L. KERSHNER,

Plaintiff - Appellant,

versus

GALE A. NORTON, Secretary, Department of
Interior,

Defendant - Appellee.

Appeal from the United States District Court for the Northern
District of West Virginia, at Martinsburg. W. Craig Broadwater,
District Judge. (3:04-cv-00010-WCB)

Submitted: June 15, 2006

Decided: June 19, 2006

Before KING, SHEDD, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Kathryn L. Kershner, Appellant Pro Se. Sherri Evans Harris, OFFICE
OF THE UNITED STATES ATTORNEY, Washington, D.C., Helen Campbell
Altmeyer, OFFICE OF THE UNITED STATES ATTORNEY, Wheeling, West
Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Kathryn L. Kershner seeks to appeal the district court's order denying relief on her claims of discrimination and retaliation under the Rehabilitation Act of 1973, 29 U.S.C. §§ 701-796 (1999). 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 May 24, 2005. The notice of appeal was filed on January 26, 2006. Because Kershner 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