

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1278

CHARLES A. FROMAL; PATRICIA W. FROMAL,

Plaintiffs - Appellants,

versus

LAKE MONTICELLO OWNERS' ASSOCIATION INCORPORATED, a/k/a Lake Monticello Owners' Association; RICHARD DOWSWELL, General Manager, Lake Monticello Owners' Association, in his official and individual capacity; KIMBERLY SCHWARTZ, Vice President, Lake Monticello Owners' Association and individual capacity; CHARLES ALLBAUGH, Treasurer, Lake Monticello Owners' Association, and individual capacity; KIRT D. DOERSCH, President, Lake Monticello Owners' Association, and individual capacity; RICHARD SCHWARTZ; DOES, other co-conspirators,

Defendants - Appellees.

No. 06-1670

PATRICIA W. FROMAL; CHARLES A. FROMAL,

Plaintiffs - Appellants,

versus

LAKE MONTICELLO OWNERS' ASSOCIATION INCORPORATED, a/k/a Lake Monticello Owners'

Association; RICHARD DOWSWELL, General Manager, Lake Monticello Owners' Association, in his official and individual capacity; KIMBERLY SCHWARTZ, Vice President, Lake Monticello Owners' Association, and individual capacity; CHARLES ALLBAUGH, Treasurer, Lake Monticello Owners' Association, and individual capacity; KIRT D. DOERSCH, President, Lake Monticello Owners' Association; RICHARD SCHWARTZ; DOES, other coconspirators,

Defendants - Appellees.

Appeals from the United States District Court for the Western District of Virginia, at Charlottesville. Norman K. Moon, District Judge. (3:05-cv-00067-nkm)

Submitted: March 29, 2007

Decided: April 2, 2007

Before MOTZ, TRAXLER, and DUNCAN, Circuit Judges.

No. 06-1278, affirmed; No. 06-1670, dismissed by unpublished per curiam opinion.

Charles A. and Patricia W. Fromal, Appellants Pro Se. Calvin Wooding Fowler, Jr., WILLIAMS MULLEN, Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In appeal No. 06-1278, Charles A. Fromal and Patricia W. Fromal appeal from the district court's order denying their motion for a preliminary injunction. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Fromal v. Lake Monticello Owner's Ass'n, No. 3:05-cv-00067-nkm (W.D. Va. Jan. 23, 2006).

In appeal No. 06-1670, the Fromals seek to appeal from the district court's order dismissing their action against Defendants for failure to state a claim for which relief could be granted. 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 3, 2006. The notice of appeal was filed on June 9, 2006. Because the Fromals 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.

No. 06-1278, AFFIRMED
No. 06-1670, DISMISSED