

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1343

CHARLES L. FREEZE,

Plaintiff - Appellant,

versus

VETERANS ADMINISTRATION MEDICAL CENTER,

Defendant - Appellee.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. Frank W. Bullock, Jr., Senior District Judge. (1:05-cv-00220-FWB)

Submitted: May 18, 2006

Decided: May 30, 2006

Before WIDENER and WILKINSON, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed in part and dismissed in part by unpublished per curiam opinion.

Charles L. Freeze, Appellant Pro Se. Lynne P. Klauer, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Charles L. Freeze appeals the district court's orders denying his motion to recuse and denying relief on his civil complaint. He also seeks to appeal the district court's order imposing a prefiling injunction. We affirm in part and dismiss in part.

With regard to the district court's orders denying relief on Freeze's complaint and denying his motion to recuse, we have reviewed the record and find no reversible error. Accordingly, we affirm this portion of the appeal for the reasons stated by the district court. See Freeze v. Veterans Admin. Med. Ctr., No. 1:05-cv-00220-FWB (M.D.N.C. Dec. 29, 2005).

Turning to the order imposing a prefiling injunction, we note that Freeze challenges that order in his informal brief. Although Freeze's informal brief could be construed as a notice of appeal, see Smith v. Barry, 502 U.S. 244, 248 (1992), the brief was filed beyond the applicable sixty-day appeal period set forth in Fed. R. App. P. 4(a)(1)(B). Because Freeze failed to obtain an extension or reopening of the appeal period, see Fed. R. App. P. 4(a)(5), (6), we do not have jurisdiction to review the order. See Browder v. Dir., Dep't of Corr., 434 U.S. 257, 264 (1978) (stating that appeal period is mandatory and jurisdictional). Accordingly, we dismiss this portion of the appeal.

We deny Freeze's motions to recuse the district court judge, to charge the district court judge with obstruction of justice, and for an en banc hearing. 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.

AFFIRMED IN PART AND DISMISSED IN PART