

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1956

WILLIAM NICHOLAS BANKS, JR.,

Plaintiff - Appellant,

versus

VIRGINIA INTERNATIONAL TERMINALS,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Rebecca Beach Smith, District Judge. (2:06-cv-00138-RBS)

Submitted: March 30, 2007

Decided: April 19, 2007

Before MICHAEL, SHEDD, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

William Nicholas Banks, Jr., Appellant Pro Se. John Morgan Ryan, VANDERVENTER & BLACK, LLP, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William Nicholas Banks, Jr., seeks to appeal the district court's orders dismissing his complaint and imposing a prefiling injunction. 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 final order was entered on the docket on June 29, 2006. The notice of appeal was filed on August 29, 2006. Because Banks failed to file a timely notice of appeal or obtain an extension or reopening of the appeal period, we dismiss the appeal. We deny Banks' motion for appointment of appellate counsel and 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