

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 06-2139

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DOUGLAS S. MCGLOHON,

Plaintiff - Appellant,

versus

CITY OF DALLAS, Chief of the Dallas Police  
Department,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern  
District of North Carolina, at Elizabeth City. James C. Dever III,  
District Judge. (2:06-mc-00004-D)

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Submitted: December 14, 2006

Decided: December 18, 2006

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Before MICHAEL, GREGORY, and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Douglas S. McGlohon, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Douglas S. McGlohon seeks to appeal the district court's order denying his application for leave to proceed in forma pauperis. 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 September 6, 2006. The notice of appeal was filed on October 10, 2006. Because McGlohon failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny leave to proceed in forma pauperis and 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