

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 06-7087

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KELVIN L. GREENFIELD,

Plaintiff - Appellant,

versus

A. L. DUDLEY, Office @ Kenansville Police Department; CHRIS SMITH, Deputy @ Duplin County Sheriff Department; DOUG PEARSON, District Attorney @ Duplin County Courthouse,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:05-ct-00484-BO)

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Submitted: September 22, 2006

Decided: October 24, 2006

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Before WILLIAMS, MOTZ, and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Kelvin L. Greenfield, Appellant Pro Se. Torin L. Fury, William L. Hill, FRAZIER, FRANKLIN, HILL & FURY, RLLP, Greensboro, North Carolina; Mark Allen Davis, WOMBLE, CARLYLE, SANDRIDGE & RICE, PLLC, Raleigh, North Carolina; Gerald Patrick Murphy, Assistant Attorney General, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Kelvin L. Greenfield seeks to appeal the district court's order dismissing his 42 U.S.C. § 1983 (2000) action. 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 April 17, 2006. The notice of appeal was signed and mailed on June 5, 2006. Because Greenfield failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we grant the Appellees' motions to 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