

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-7220

MARC S. CASON, SR.,

Plaintiff - Appellant,

versus

MARYLAND DIVISION OF PAROLE AND PROBATION,

Defendant - Appellee.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. Catherine C. Blake, District Judge.
(1:06-cv-01186-CCB)

Submitted: January 18, 2008

Decided: February 8, 2008

Before TRAXLER, GREGORY, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Marc S. Cason, Sr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Marc S. Cason, Sr., seeks to appeal the district court's order dismissing his 42 U.S.C. § 1983 (2000) complaint as barred by the statute of limitations. We dismiss the appeal as untimely.

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). A district court may extend the time to appeal upon motion filed within thirty days after expiration of the prescribed time, and a showing of excusable neglect or good cause. Fed. R. App. P. 4(a)(5). 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 its docket on May 17, 2006. Cason filed his notice of appeal on July 11, 2006, which was after the thirty-day appeal period expired but within the thirty-day excusable neglect period. On limited remand, the district court found that Cason failed to establish good cause or excusable neglect to justify filing the untimely notice, and thus denied his motion for an extension of the appeal period.

Because Cason's notice of appeal was untimely filed, 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.

DISMISSED