

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-7957

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ANTTWAINE MANDWELL DUNLAP,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Newport News. Rebecca Beach Smith, District Judge. (4:06-cv-00112-RBS; 4:03-cr-00070-RBS)

Submitted: April 11, 2007

Decided: May 9, 2007

Before WILKINSON, MICHAEL, and DUNCAN, Circuit Judges.

Dismissed in part; affirmed in part by unpublished per curiam opinion.

Anttwaine Mandwell Dunlap, Appellant Pro Se. Lisa Rae McKeel, OFFICE OF THE UNITED STATES ATTORNEY, Newport News, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Anttwaine Mandwell Dunlap seeks to appeal the district court's orders dismissing his motion filed pursuant to 28 U.S.C. § 2255 as untimely. He also appeals from a subsequent district court order that denied relief on various post-judgment motions.

When the United States or its officer or agency is a party, the notice of appeal must be filed no more than sixty days after the entry of the district court's final judgment or order, Fed. R. App. P. 4(a)(1)(B), 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 order Dunlap seeks to appeal, which dismissed his § 2255 motion as untimely, was entered on the docket on March 14, 2006. The notice of appeal was filed on November 20, 2006. Because Dunlap failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal of the March 14, 2006 order.

With regard to the appeal of an October 13, 2006 order, which denied relief on several post-judgment motions, we have reviewed the record and find no reversible error. Accordingly, we affirm as to that order for the reasons stated by the district

court. See United States v. Dunlap, No. 4:06-cv-00112-RBS (E.D. Va. October 13, 2006).

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 IN PART;
AFFIRMED IN PART