

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6413

DONRICO V. SCOTT,

Plaintiff - Appellant,

versus

DOCTOR ENIOLA,

Defendant - Appellee.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Alexander Williams, Jr., District Judge. (8:05-cv-02060-AW)

Submitted: July 31, 2007

Decided: August 9, 2007

Before MICHAEL and TRAXLER, Circuit Judges, and WILKINS, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Donrico V. Scott, Appellant Pro Se. Donald Joseph Crawford, ALDELMAN, SHEFF & SMITH, Rockville, Maryland; Philip Melton Andrews, Catherine Mary Manofsky, KRAMON & GRAHAM, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Donrico V. Scott seeks to appeal the district court's order granting Defendant's motion for summary judgment in this action under 42 U.S.C. § 1983 (2000). 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 June 28, 2006. The notice of appeal was filed on February 26, 2007.* Because Scott failed to file a timely notice of appeal or obtain an extension or reopening of the appeal period, we dismiss the appeal. We deny Scott's motion for general relief and dispense with oral argument because the facts and legal contentions are

*For the purpose of this appeal, we assume that the date appearing on the notice of appeal is the earliest date it could have been properly delivered to prison officials for mailing to the court. Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266 (1988).

adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED