

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6467

KIMBERLY RENEE POOLE,

Petitioner - Appellant,

versus

LEATH CORRECTIONAL INSTITUTION, Warden; HENRY
MCMASTER, Attorney General for the State of
South Carolina,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Rock Hill. R. Bryan Harwell, District Judge.
(0:03-cv-03499-RBH)

Submitted: July 24, 2007

Decided: July 31, 2007

Before WILKINSON, TRAXLER, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

William Isaac Diggs, Chief Attorney, DIGGS, DIGGS & AXELROD, Myrtle
Beach, South Carolina, for Appellant. Donald John Zelenka, OFFICE
OF THE ATTORNEY GENERAL OF SOUTH CAROLINA, Columbia, South
Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kimberly Renee Poole seeks to appeal the district court's order dismissing her 28 U.S.C. § 2254 (2000) petition. 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 January 31, 2007. Poole's counsel filed the notice of appeal on March 27, 2007. Because Poole failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, 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