

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-7047

CECIL FITZGERALD JAMISON,

Plaintiff - Appellant,

v.

DIRECTOR R. MYERS; CAPTAIN REFRO; BOB SEFERS,
Kitchen Supervisor Aramark; LIEUTENANT R.
WATSON; LIEUTENANT FRIEDELEY,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Beaufort. R. Bryan Harwell, District Judge.
(9:05-cv-03364-RBH)

Submitted: February 21, 2008

Decided: February 25, 2008

Before MOTZ and GREGORY, Circuit Judges, and WILKINS, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Cecil Fitzgerald Jamison, Appellant Pro Se. William Henry Davidson,
II, Matthew Blaine Rosbrugh, DAVIDSON, MORRISON & LINDEMANN, PA,
Columbia, South Carolina; Joel Morris Bondurant, Jr., William
Francis Marion, Jr., HAYNSWORTH, SINKLER & BOYD, PA, Greenville,
South Carolina; James Anthony Mabry, Columbia, South Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Cecil Fitzgerald Jamison seeks to appeal the district court's adopting the magistrate judge's recommendation to dismiss his 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. Director, 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 December 21, 2006. The notice of appeal was filed, at the earliest, on July 11, 2007. Because Jamison failed to file a timely notice of appeal and is not entitled to reopening of the appeal period, we dismiss the appeal for lack of jurisdiction. We deny Jamison's motion for preparation of transcripts at government expense. 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