

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2263

STEVEN MEDOWS, a/k/a Steven Edward Medows,
Plaintiff - Appellant,

v.

CITY OF CAYCE; NFN KENLEY, Detective with the Cayce Police
Department,

Defendants - Appellees,

and

LEXINGTON COUNTY SOLICITOR'S OFFICE; STATE OF SOUTH
CAROLINA,

Defendants.

Appeal from the United States District Court for the District of
South Carolina, at Columbia. Henry F. Floyd, District Judge.
(3:07-cv-00409-HFF)

Submitted: February 26, 2009

Decided: March 3, 2009

Before NIEMEYER, MICHAEL, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Steven Medows, Appellant Pro Se. Daniel C. Plyler, DAVIDSON &
LINDEMANN, PA, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Steven Medows seeks to appeal the district court's order denying his motion to extend the appeal period in his 42 U.S.C. § 1983 (2000) action. We dismiss the appeal for lack of jurisdiction because Medows' motion to extend the appeal period and his notice of appeal were 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)); see Bowles v. Russell, 551 U.S. 205, ___, 127 S. Ct. 2360, 2366 (2007).

The district court's order denying Medows' § 1983 action was entered on the docket on June 25, 2008. Per Medows' request, the District Court clerk again sent him notice of the final judgment against him, which Medows received on August 19, 2008. Medows filed a motion to extend the time to appeal on September 16, 2008, and his notice of appeal was filed on November 5, 2008. Because Medows failed to file a timely notice of appeal or timely obtain an extension or reopening of the appeal period, the appeal is untimely. Accordingly, we grant

the Appellees' motion to dismiss the appeal as untimely. 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