

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6241

ANTONIO BURTS,

Plaintiff - Appellant,

v.

SULLIVAN'S BODY SHOP,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Henry M. Herlong, Jr., District Judge. (6:06-cv-02500-HMH)

Submitted: May 30, 2008

Decided: June 10, 2008

Before KING and SHEDD, Circuit Judges, and WILKINS, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Antonio Burts, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Antonio Burts seeks to file an appeal in his action against Sullivan's Body Shop. 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 final order was entered on the docket on October 23, 2006. The notice of appeal was filed more than a year later. Because Burts 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

*To the extent that Burts' notice of appeal could be construed as pertaining to the district court's September 10, 2007 order finding several of Burts' post-judgment motions to be moot, we note that the notice of appeal also is untimely as to that order.