

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6339

SHAHEEN CABBAGESTALK,

Plaintiff - Appellant,

v.

MS. TYLER; JOHNY SAPP; TROY JONES; DOUGLAS PERNELL; JAMES CAMPBELL; ROBERT BUCY; JOHN WILLIE BROWN; WAYNE GREEN; DILLON COUNTY SHERIFF'S DEPARTMENT; DILLON COUNTY; DILLON HERALD NEWS; JUDGE JAMES F. ROGERS; JUDGE JOHN DAVIS; WEST JACKSON, ATF Agent; LT. PAMELA JOHNSON; DILLON COUNTY JAIL DETENTION CENTER; JUDGE NFN HAYES; JUDGE PAUL M. BURCH; DAVID WATSON, Attorney; GLEN MANNING, Attorney; KERNARD E. REDMOND, Solicitor; JOHN D. SAPP, Director DCDC,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Sol Blatt, Jr., Senior District Judge. (3:07-cv-02313-SB)

Submitted: April 24, 2008

Decided: May 13, 2008

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

Dismissed by unpublished per curiam opinion.

Shaheen Cabbagestalk, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shaheen Cabbagstalk seeks to appeal the district court's orders dismissing his civil action without prejudice and denying his subsequent motion for reconsideration. 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 orders were entered on the docket on September 14, 2007, and November 30, 2007. The notice of appeal was filed on January 28, 2008.* Because Cabbagstalk failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We deny all pending motions. We dispense with oral argument because the facts

*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).

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

DISMISSED