

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6358

FRANK GARRETT PIPKIN,

Petitioner - Appellant,

v.

KATHLEEN GREEN, Warden; J. JOSEPH CURRAN, Jr.; THE ATTORNEY
GENERAL FOR THE STATE OF MARYLAND,

Respondents - Appellees.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Roger W. Titus, District Judge. (8:07-cv-01579-RWT)

Submitted: July 22, 2008

Decided: July 25, 2008

Before WILKINSON, MOTZ, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Frank Garrett Pipkin, Appellant Pro Se. Mary Jennifer Landis, Assistant Attorney General, Baltimore, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Frank Garrett Pipkin seeks to appeal the district court's order dismissing his 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 14, 2008. The notice of appeal was filed on February 22, 2008.¹ Because Pipkin failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal.² We dispense with oral argument because the facts and legal contentions are adequately presented in the

¹For 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).

²Insofar as Pipkin claims he sent letters indicating his desire to appeal to the district court and this court prior to the February 22, 2008, notice of appeal, there is nothing on either court's docket sheet showing he sent such letters.

materials before the court and argument would not aid the decisional process.

DISMISSED