

Rehearing granted, January 13, 2010

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 09-1342

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ALFRED T. THOMAS,

Plaintiff - Appellant,

v.

CHRISTY T. MANN, Judge; MECKLENBURG COUNTY GENERAL DISTRICT & CIRCUIT COURTS; McDOWELL STREET CENTER FOR FAMILY LAW, INCORPORATED; DONNA JACKSON; AIDA CORREA; PETER GORMAN; JAMES G. MIDDLEBROOKS; GRAHAM C. MULLEN; NORTH CAROLINA,

Defendants - Appellees.

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Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Frank D. Whitney, District Judge. (3:08-cv-00502-FDW-1)

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Submitted: July 23, 2009

Decided: July 27, 2009

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Before WILKINSON and AGEE, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Alfred T. Thomas, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Alfred T. Thomas seeks to appeal the district court's order dismissing his civil rights complaint. 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)); accord Bowles v. Russell, 551 U.S. 205, \_\_\_, 127 S. Ct. 2360, 2366 (2007) ("Today we make clear that the timely filing of a notice of appeal in a civil case is a jurisdictional requirement.").

The district court's order was entered on the docket on January 23, 2009. The notice of appeal was filed on March 20, 2009. Because Thomas failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny leave to proceed in forma pauperis and 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