

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-6973**

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ROBERT PEOPLES,

Plaintiff - Appellant,

v.

LEON DAVIS, Sergeant, Lieber Correctional Institution; JOYCE PERRY, Sergeant, Lieber Correctional Institution; HALLBACK, Officer, Lieber Correctional Institution; Mr. THIERRY NETTLES, SMU Administrator, Lieber Correctional Institution; JEAN RANDAL, IGC, Lieber Correctional Institution; KEVIN WILLIAMS, Lieutenant, Lieber Correctional Institution; JOSEPH POWELL, HCA, Lieber Correctional Institution; DARYL KING, Lieutenant, Lieber Correctional Institution; JON OZMINT, Director, all ind. capacities,

Defendants - Appellees.

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Appeal from the United States District Court for the District of South Carolina, at Anderson. Cameron McGowan Currie, District Judge. (8:08-cv-00251-CMC)

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Submitted: January 19, 2010

Decided: January 26, 2010

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Before NIEMEYER, KING, and DAVIS, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Robert Peoples, Appellant Pro Se. Andrew Todd Darwin, Ginger Goforth, HOLCOMBE, BOMAR, GUNN & BRADFORD, PA, Spartanburg, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Peoples seeks to appeal the district court's order granting summary judgment in favor of Defendants in his 42 U.S.C. § 1983 (2006) action. 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 February 24, 2009. The notice of appeal was filed on April 30, 2009.\* Because Peoples 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

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\* 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. See Fed. R. App. P. 4(c)(1); Houston v. Lack, 487 U.S. 266, 276 (1988).

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

DISMISSED