

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-2431**

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DEBORAH P. CODY,

Plaintiff - Appellant,

v.

MICHAEL J. ASTRUE, Commissioner of Social Security,

Defendant - Appellee,

SOCIAL SECURITY ADMINISTRATION,

Party-in-Interest.

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Appeal from the United States District Court for the Middle District of North Carolina, at Durham. Thomas D. Schroeder, District Judge. (1:08-cv-00760-TDS-PTS)

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Submitted: March 31, 2011

Decided: April 4, 2011

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Before NIEMEYER, SHEDD, and AGEE, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Deborah P. Cody, Appellant Pro Se. Gill Paul Beck, Sr., Assistant United States Attorney, Greensboro, North Carolina, Lisa G. Smoller, Special Assistant United States Attorney, Boston, Massachusetts, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Deborah P. Cody seeks to appeal the district court's order granting the Commissioner of Social Security judgment on the pleadings and dismissing Cody's complaint. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties are accorded sixty days after the entry of the district court's final judgment where the United States or its officer or agency is a party, 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 judgment was entered on October 18, 2010. The notice of appeal was filed on December 20, 2010, three days out of time. Because Cody failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal for lack of jurisdiction. 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