

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1801

ANTONIO BURTS,

Plaintiff - Appellant,

v.

SULLIVAN'S BODY SHOP,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Henry M. Herlong, Jr., District Judge. (6:06-cv-02500-HMH)

Submitted: October 21, 2008

Decided: October 24, 2008

Before MICHAEL, TRAXLER, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Antonio Burts, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Antonio Burts seeks to appeal an unspecified order in his action against Sullivan's Body Shop. The district court issued its most recent decision in the case on September 4, 2007, when it denied Burts' post-judgment motion for transcripts. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed as to even the most recent order of the district court.

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 latest order was entered on the docket on September 4, 2007. The notice of appeal was filed in July 2008. Because Burts 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

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

DISMISSED