

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-2492

ROBERT D. COX,

Plaintiff - Appellant,

versus

NATIONSBANK CORPORATION; BANK OF AMERICA CORPORATION; KENNETH D. LEWIS, President, Bank of America; HUGH L. MCCOLL, JR., Chairman and CEO, Bank of America; JAMES H. HANCE, JR., CFO, NationsBank; GARLAND FRASIER, Bank of America, Charleston, South Carolina,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Charleston. David C. Norton, District Judge. (CA-99-2061-2-18)

Submitted: March 22, 2001

Decided: March 27, 2001

Before WILKINS, LUTTIG, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Robert D. Cox, Appellant Pro Se. Stephen Peterson Groves, Sr., YOUNG, CLEMENT, RIVERS & TISDALE, Charleston, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Robert D. Cox filed an untimely notice of appeal. NationsBank Corporation filed a motion to dismiss Cox's appeal as untimely. We grant NationsBank Corporation's motion and dismiss Cox's appeal for lack of jurisdiction. The time periods for filing notices of appeal are governed by Fed. R. App. P. 4. These periods are "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)). Parties to civil actions have thirty days within which to file in the district court notices of appeal from judgments or final orders. Fed. R. App. P. 4(a)(1). The only exceptions to the appeal period are when the district court extends the time to appeal under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6).

The district court entered its order on August 29, 2000; Cox's notice of appeal was filed on November 15, 2000, which is beyond the thirty-day appeal period. Cox's failure to note a timely appeal or obtain an extension of the appeal period leaves this court without jurisdiction to consider the merits of the appeal. We therefore 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