

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-4587**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ROBERT H. BROWN,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, District Judge. (CR-99-47)

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Submitted: December 19, 2001

Decided: January 15, 2002

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Before WILLIAMS, MICHAEL, and TRAXLER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Audrey Freeman jaCobs, Richmond, Virginia, for Appellant. Paul J. McNulty, United States Attorney, Stephen W. Miller, Assistant United States Attorney, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Robert H. Brown seeks to appeal the district court's order resentencing him for his violation of 18 U.S.C. § 922(g)(9) (1994), following a remand from this court. See United States v. Brown, 6 F. App. 159, 161 (4th Cir. 2001). We dismiss the appeal for lack of jurisdiction because Brown's notice of appeal was not timely filed.

Parties to a criminal proceeding are accorded ten days after entry of the district court's final judgment to note an appeal, see Fed. R. App. P. 4(b)(1)(A), unless the district court extends the appeal period under Fed. R. App. P. 4(b)(4). This appeal period is "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)).

The district court's judgment was entered on the docket on July 18, 2001. Brown's notice of appeal was filed on July 31, 2001. Because Brown failed to file a timely notice of appeal or to obtain an extension 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