

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-5016

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MARTELL WHITAKER,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Rock Hill. Dennis W. Shedd, District Judge. (CR-98-1016)

Submitted: March 21, 2002

Decided: March 27, 2002

Before NIEMEYER, WILLIAMS, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Martell Whitaker, Appellant Pro Se. Jane Barrett Taylor, OFFICE OF THE UNITED STATES ATTORNEY, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Martell Whitaker appeals his sentence for money laundering, in violation of 18 U.S.C.A. § 1956 (West 1994 & Supp. 2000). We dismiss the appeal for lack of jurisdiction because Whitaker's notice of appeal was not timely filed.

In criminal cases, the defendant is accorded ten days after entry of the district court's final judgment or order 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." United States v. Raynor, 939 F.2d 191, 196 (4th Cir. 1991); United States v. Schuchardt, 685 F.2d 901, 902 (4th Cir. 1982).

The district court's final judgment was entered on the docket on December 10, 1999. Whitaker's notice of appeal was filed on December 17, 2001.* Because Whitaker failed to file a timely notice of appeal or to obtain an extension of the appeal period, we dismiss the appeal. We deny Whitaker's motions for discovery and for appointment of counsel. We dispense with oral argument because the facts and legal contentions are adequately presented in the ma-

* This is Whitaker's second appeal in this matter. His sentence was originally affirmed by this Court on December 18, 2000. United States v. Whitaker, No. 99-4791, 2000 WL 1846272 (4th Cir. Dec. 18, 2000) (unpublished).

terials before the court and argument would not aid the decisional process.

DISMISSED