

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6423

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ORRANDY GOODWYN, a/k/a Randy, a/k/a White Boy,
a/k/a Trash,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, District Judge. (CR-96-41)

Submitted: May 31, 2001

Decided: June 11, 2001

Before WILKINS, TRAXLER, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Orrandy Goodwyn, Appellant Pro Se. David John Novak, OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Orrandy Goodwyn pleaded guilty to conspiracy to distribute cocaine. On March 18, 1997, the district court sentenced him to 264 months in prison. Goodwyn did not appeal; he has, however, previously filed two unsuccessful 28 U.S.C.A. § 2255 (West Supp. 2000) motions. Goodwyn now seeks to appeal his conviction. We lack jurisdiction to consider the merits of the appeal because it is untimely. Criminal defendants have ten days from the entry of the judgment or order at issue to file a notice of appeal. Fed. R. App. P. 4(b). The appeal periods established by Rule 4 are mandatory and jurisdictional. Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978). Goodwyn filed his notice of appeal on March 15, 2001, nearly four years outside the appeal period. Goodwyn's untimely appeal deprives this court of jurisdiction to consider its merits. 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