

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-8130

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

LAWRENCE WOODARD,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Jackson L. Kiser, Senior District Judge. (CR-96-109)

Submitted: February 21, 2001

Decided: April 19, 2002

Before WILKINS, MOTZ, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Lawrence Woodard, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Lawrence Woodard appeals his conviction for conspiracy to distribute cocaine, in violation of 21 U.S.C.A. § 846 (West Supp. 2000). We dismiss the appeal for lack of jurisdiction because Woodard'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 November 26, 1997. Woodard's notice of appeal was filed on November 28, 2001.* Because Woodard 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

* This is Woodard's second appeal in this matter. His conviction and sentence were originally affirmed by this Court on June 21, 1999. United States v. Woodard, No. 97-4950, 1999 WL 410080 (4th Cir. June 21, 1999) (unpublished).