

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-4056

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DWAYNE ROBINSON,

Defendant - Appellant.

Appeal from the United States District Court for the Western
District of North Carolina, at Charlotte. Richard L. Voorhees,
District Judge. (CR-00-140-V)

Submitted: June 13, 2002

Decided: June 18, 2002

Before WIDENER, LUTTIG, and WILLIAMS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Dwayne Robinson, Appellant Pro Se. Gretchen C.F. Shappert,
Assistant United States Attorney, Charlotte, North Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Dwayne Robinson appeals his conviction for interference with commerce by robbery and aiding and abetting the same in violation of 18 U.S.C.A. § 1951(b)(3) (West 2000) and two counts of using, carrying and brandishing a firearm during and in relation to a crime of violence and aiding and abetting the same in violation of 18 U.S.C.A. § 924(c) (West 2000). We dismiss the appeal for lack of jurisdiction because Robinson'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 September 25, 2001. Robinson's notice of appeal was filed on January 9, 2002. Because Robinson 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