

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-4248**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WALTER GERARD NORMAN, JR.,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Durham. William L. Osteen, District Judge. (CR-01-148)

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Submitted: February 28, 2003

Decided: March 28, 2003

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Before LUTTIG, WILLIAMS, and MICHAEL, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Thomas H. Eagen, Durham, North Carolina, for Appellant. Anna Mills Wagoner, United States Attorney, Steven H. Levin, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Walter Gerard Norman, Jr., seeks to appeal his conviction and sentence following his guilty plea to one count of distributing cocaine base in violation of 21 U.S.C. § 841(a) (2000). In criminal cases, the defendant must file his notice of appeal within ten days of the entry of judgment. Fed. R. App. P. 4(b)(1)(A). With or without a motion, the district court may grant an extension of time to file of up to thirty days upon a showing of excusable neglect or good cause. Fed. R. App. P. 4(b)(4); United States v. Reyes, 759 F.2d 351, 353 (4th Cir. 1985). The appeal periods of Rule 4 are mandatory and jurisdictional. United States v. Raynor, 939 F.2d 191, 197 (4th Cir. 1991).

The district court entered its final criminal judgment on October 30, 2001. Norman conveyed his pro se notice of appeal to prison authorities for mailing no earlier than March 5, 2002, the date he certified that he served the United States with the document. Even accepting this date as the date Norman filed his notice of appeal, however, it was clearly filed well after both the ten-day period and the thirty-day excusable neglect period expired. Because Norman failed to file a timely notice of appeal, 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