

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-6299**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CHERONE INMAN,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. James C. Fox, Senior District Judge. (CR-00-50-2-7-FO, CA-01-188-7-F)

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Submitted: July 18, 2002

Decided: July 23, 2002

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Before WIDENER, LUTTIG, and GREGORY, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Cherone Inman, Appellant Pro Se. Felice McConnell Corpening, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Cherone Inman seeks to appeal the district court's order denying his 28 U.S.C.A. § 2255 (West Supp. 2001) motion. We dismiss the appeal for lack of jurisdiction, because Inman's notice of appeal was not timely filed.

Where the United States is a party, parties are accorded sixty days after the entry of the district court's final judgment or order to note an appeal, see Fed. R. App. P. 4(a)(1), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6). This appeal period is "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)).

The district court's order was entered on the docket on October 11, 2001. Inman's undated notice of appeal was filed on January 8, 2002. Because Inman failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny a certificate of appealability and 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