

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-5095

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ERON ESAU OVERTON,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Patrick Michael Duffy, District Judge. (CR-02-123)

Submitted: April 14, 2005

Decided: April 19, 2005

Before WILKINSON, NIEMEYER, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Eron Esau Overton, Appellant Pro Se; Christopher Joseph Moran, Columbia, South Carolina, for Appellant. James Strom Thurmond, Jr., United States Attorney, Columbia, South Carolina; Miller Williams Shealy, Jr., OFFICE OF THE UNITED STATES ATTORNEY, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Eron Esau Overton, a federal inmate, seeks to appeal his conviction and sentence. We conclude Overton's notice of appeal is untimely. A notice of appeal in a criminal case must be filed within ten days of the entry of the judgment being appealed. Fed. R. App. P. 4(b)(1). The district court, upon a finding of excusable neglect or good cause, may extend the time period for filing a notice of appeal an additional thirty days. Fed. R. App. P. 4(b)(4). The appeal periods established by Rule 4 are mandatory and jurisdictional. Browder v. Dir., Dep't of Corr., 434 U.S. 257, 264 (1978); United States v. Raynor, 939 F.2d 191, 197 (4th Cir. 1991). Overton's criminal judgment was entered on September 4, 2003. He did not file a notice of appeal until November 29, 2004, over a year later. Thus, Overton's notice of appeal is clearly untimely. Accordingly, we dismiss Overton's appeal for lack of jurisdiction. 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