

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7875

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

OBADYA HANIFI ABED, a/k/a Beta,

Defendant - Appellant.

Appeal from the United States District Court for the Western
District of Virginia, at Roanoke. Samuel G. Wilson, District
Judge. (CR-97-24)

Submitted: January 19, 2006

Decided: January 26, 2006

Before WILKINSON, TRAXLER, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Obadya Hanifi Abed, Appellant Pro Se. Thomas Jack Bondurant, Jr.,
Assistant United States Attorney, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Obadya Hanifi Abed appeals from the criminal judgment entered on August 31, 1998. We dismiss the appeal for lack of jurisdiction.

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). The district court's final judgment was entered on the docket on August 31, 1998. Abed's notice of appeal was filed on November 7, 2005. Because Abed 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

*Additionally, we note that Abed previously filed an appeal of this case, and we affirmed the judgment of the district court. See United States v. Abed, No. 98-4637 (4th Cir. Jan. 10, 2000) (unpublished).