

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 95-5719**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOEL A. LUCAS,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Rock Hill. Joseph F. Anderson, Jr., District Judge. (CR-95-286)

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Submitted: November 7, 1996

Decided: November 19, 1996

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Before RUSSELL and WIDENER, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Mark E. Hall, Columbia, South Carolina, for Appellant. J. René Josey, United States Attorney, Dean A. Eichelberger, Assistant United States Attorney, Columbia, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant noted this appeal outside the ten-day appeal period established by Fed. R. App. P. 4(b) and failed to obtain an extension of the appeal period within the additional thirty-day period provided by Rule 4(b). The time period established by Rule 4(b) is mandatory and jurisdictional. United States v. Raynor, 939 F.2d 191, 197 (4th Cir. 1991). The district court entered its judgment on September 1, 1995; Appellant's notice of appeal was filed on September 12, 1995. Appellant's failure to note a timely appeal or obtain an extension of the appeal period deprives this court of jurisdiction to consider this case. We therefore 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