

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 95-7657**

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JAMES ALLEN HAMMOND,

Petitioner - Appellant,

versus

RICHARD S. LINDLER, Warden; ATTORNEY GENERAL  
OF SOUTH CAROLINA,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Charleston. Solomon Blatt, Jr., Senior District  
Judge. (CA-93-3345-2-8AJ)

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Submitted: November 30, 1995                      Decided: January 16, 1996

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Before MURNAGHAN, WILKINS, and WILLIAMS, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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James Allen Hammond, Appellant Pro Se. Donald John Zelenka, Chief  
Deputy Attorney General, Columbia, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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 thirty-day appeal period established by Fed. R. App. P. 4(a)(1), failed to obtain an extension of the appeal period within the additional thirty-day period provided by Fed. R. App. P. 4(a)(5), and is not entitled to relief under Fed. R. App. P. 4(a)(6). The district court entered its order on October 20, 1994; Appellant's notice of appeal was filed on October 30, 1995. We note that on December 11, 1995, the district court entered an order granting Appellant's October 30, 1995, motion for belated appeal. However, the time periods established by Fed. R. App. P. 4 are "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)), and Fed. R. App. P. 4 does not provide the district court with jurisdiction to grant such an extension of the appeal period. 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