

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-4773

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ZARINA HAFIZUDDIN,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Benson E. Legg, District Judge. (CR-95-9-L, CA-96-1423-L)

Submitted: December 19, 1996

Decided: January 3, 1997

Before ERVIN and MOTZ, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Gary Wilmer Christopher, FEDERAL PUBLIC DEFENDER'S OFFICE, Baltimore, Maryland, for Appellant. John Francis Purcell, Jr., OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant filed an untimely notice of appeal. We dismiss for lack of jurisdiction. The time periods for filing notices of appeal are governed by Fed. R. App. P. 4. These periods 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)). In a criminal case, a defendant has ten days within which to file in the district court notices of appeal from judgments or final orders. Fed. R. App. P. 4(b). The district court may, upon a showing of excusable neglect, extend by thirty days the time for filing a notice of appeal. See United States v. Reyes, 759 F.2d 351, 353 (4th Cir.), cert. denied, 474 U.S. 857 (1985).

The district court entered its order on May 26, 1995; Appellant's notice of appeal was filed on Sept. 17, 1996. Appellant's failure to note an appeal within the ten-day appeal period and the thirty-day permissible extension period leaves this court without jurisdiction to consider the merits of Appellant's appeal. 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