

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 96-7658**

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MITCHELL ALFONSO KEY,

Plaintiff - Appellant,

versus

JIM MCCAULLEY, Jail Administrator, Richland  
County Detention Center,

Defendant - Appellee.

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Appeal from the United States District Court for the District of  
South Carolina, at Charleston. Joseph F. Anderson, Jr., District  
Judge. (CA-93-1009-2-17-AJ)

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Submitted: March 27, 1997

Decided: April 3, 1997

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Before RUSSELL, LUTTIG, and MICHAEL, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Mitchell Alfonso Key, Appellant Pro Se. William Henry Davidson,  
II, John Thomas Lay, Jr., ELLIS, LAWHORNE, DAVIDSON & SIMS, P.A.,  
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Unpublished opinions are not binding precedent in this circuit.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 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)). Parties to civil actions have thirty days within which to file in the district court notices of appeal from judgments or final orders. Fed. R. App. P. 4(a)(1). The only exceptions to the appeal period are when the district court extends the time to appeal under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6).

The district court entered its order on October 11, 1995; Appellant's notice of appeal was filed on October 18, 1996. Appellant's failure to note a timely appeal or obtain an extension of the appeal 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