

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-2788

MICHAEL T. MOULY,

Plaintiff - Appellant,

versus

E. I. DUPONT DE NEMOURS & COMPANY,

Defendant - Appellee.

Appeal from the United States District Court for the Western District of Virginia, at Harrisonburg. James H. Michael, Jr., Senior District Judge. (CA-98-20-H)

Submitted: May 18, 1999

Decided: June 7, 1999

Before WIDENER, LUTTIG, and WILLIAMS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Michael T. Mouly, Appellant Pro Se. Bruce McCoy Steen, MCGUIRE, WOODS, BATTLE & BOOTHE, Charlottesville, Virginia; James Patrick McElligott, Jr., MCGUIRE, WOODS, BATTLE & BOOTHE, L.L.P., Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Michael Mouly 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)). Under Fed. R. App. 4, parties to civil actions have thirty days within which to file notices of appeal. A district court may extend or reopen the appeal period under Fed. R. App. P. 4(a)(5) & (6), but these are the rule's only exceptions.

The district court entered its order on October 13, 1998. Mouly filed his notice of appeal on December 8, 1998, nearly four weeks beyond the deadline. While Mouly did file a motion to extend the appeal period based on allegedly excusable neglect, the district court denied that motion, and Mouly did not appeal from that denial. Moreover, his only basis for seeking the extension was his misunderstanding of the applicable time period, a ground which normally will not justify a finding of excusable neglect. See Thompson v. E.I. DuPont de Nemours & Co., 76 F.3d 530, 533 (4th Cir. 1996).

We therefore dismiss this 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