

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-6987

JAMES M. HENDERSON, JR.,

Petitioner - Appellant,

versus

EUGENE NUTH, Warden; ATTORNEY GENERAL OF THE
STATE OF MARYLAND,

Respondents - Appellees.

No. 98-7127

JAMES M. HENDERSON, JR.,

Petitioner - Appellant,

versus

EUGENE NUTH, Warden; ATTORNEY GENERAL OF THE
STATE OF MARYLAND,

Respondents - Appellees.

Appeals from the United States District Court for the District of
Maryland, at Baltimore. Marvin J. Garbis, District Judge. (CA-97-
536-MJG)

Submitted: January 21, 1999

Decided: February 10, 1999

Before LUTTIG, MOTZ, and KING, Circuit Judges.

No. 98-6987 dismissed and No. 98-7127 affirmed by unpublished per curiam opinion.

Mark Lawrence Gitomer, CARDIN & GITOMER, P.A., Baltimore, Maryland, for Appellant. John Joseph Curran, Jr., Attorney General, Annabelle Louise Lisic, OFFICE OF THE ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

James M. Henderson, Jr., filed an untimely notice of appeal. We dismiss appeal No. 98-6987 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. See 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 April 1, 1998; Henderson's notice of appeal was filed on June 30, 1998, which is beyond the thirty-day appeal period. Henderson'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 appeal No. 98-6987. We therefore deny a certificate of appealability and dismiss this appeal.

In appeal No. 98-7127, Henderson appeals from the district court's order denying his motion for an extension of time to note his appeal. Because Henderson failed to file this motion within the time period allowed under Fed. R. App. P. 4(a)(5) for an exten-

sion of the appeal period, the district court properly denied the motion for an extension of time. Accordingly, in appeal No. 98-7127, we affirm on the reasoning of the district court. See Henderson v. Nuth, No. CA-97-536-MJG (D. Md. July 2, 1998). 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.

No. 98-6987 - DISMISSED

No. 98-7127 - AFFIRMED