

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-7744**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOHN MAURICE MCNEIL,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Durham. Frank W. Bullock, Jr., Chief District Judge. (CR-93-256)

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Submitted: April 15, 1999

Decided: April 19, 1999

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Before NIEMEYER and HAMILTON, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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John Maurice McNeil, Appellant Pro Se. Lisa Blue Boggs, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

John Maurice McNeil filed an untimely notice of appeal of the district court's order denying his motion to amend the Presentence Investigation Report entered in 1994 as part of his criminal case. 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)).

The district court entered its order on July 30, 1998; Appellant's notice of appeal was filed on November 24, 1998. Rule 4(b)(1)(A)(i) of the Federal Rules of Appellate Procedure requires that a notice of appeal be filed within ten days of the order being appealed. The district court may, with or without motion, extend the time for filing a notice of appeal for thirty additional days upon a showing of excusable neglect or good cause. The district court may not otherwise extend the time for filing a notice of appeal. See Ali v. Lyles, 769 F.2d 204, 205 (4th Cir. 1985); United States v. Reyes, 759 F.2d 351, 353 (4th Cir. 1985). 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