

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-6959**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MAYSO LAWRENCE, JR.,

Defendant - Appellant.

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Appeal from the United States District Court for the District of Maryland, at Baltimore. Herbert N. Maletz, Senior Judge, sitting by designation. (CR-89-391-JFM)

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Submitted: September 30, 1999

Decided: October 8, 1999

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Before NIEMEYER, WILLIAMS, and MICHAEL, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Mayso Lawrence, Jr., Appellant Pro Se. John Vincent Geise, OFFICE OF THE UNITED STATES ATTORNEY, Greenbelt, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Following a jury trial, Mayso Lawrence was convicted on one count of conspiracy to distribute and possess with intent to distribute cocaine, in violation of 21 U.S.C.A. § 846 (West 1981 & Supp. 1999). On October 10, 1990, the district court sentenced him to 235 months in prison. Lawrence's conviction was affirmed on appeal. See United States v. Arrington, No. 90-5384(L) (4th Cir. Nov. 23, 1992) (unpublished). He now attempts to file a second direct criminal appeal, pursuant to 18 U.S.C. § 3742 (1994). We lack jurisdiction to consider the merits of the appeal, however, because it is untimely. Criminal defendants have ten days from the entry of the judgment or order at issue to file a notice of appeal. See Fed. R. App. P. 4(b). The appeal periods established by Rule 4 are mandatory and jurisdictional. See Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978). Lawrence filed his notice of appeal in July 1999, nearly nine years outside of the appeal period. Lawrence's failure to note a timely appeal or obtain an extension of the appeal period therefore deprives this court of jurisdiction to consider the merits of the appeal. We therefore deny leave to proceed in forma pauperis and 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