

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-7344**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ERIC ARTHUR WALTON,

Defendant - Appellant.

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**No. 01-6328**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ERIC ARTHUR WALTON,

Defendant - Appellant.

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Appeals from the United States District Court for the Northern District of West Virginia, at Clarksburg. Irene M. Keeley, Chief District Judge. (CA-99-7-1, CA-99-8-1, CA-99-9-1)

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Submitted: March 30, 2001

Decided: April 20, 2001

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Before WILLIAMS, MOTZ, and TRAXLER, Circuit Judges.

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No. 99-7344 dismissed and No. 01-6328 affirmed by unpublished per curiam opinion.

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Eric Arthur Walton, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Eric Arthur Walton seeks to appeal the district court's order denying his motion for a writ of error coram nobis (No. 99-7344). We remanded the case to the district court for the court to determine whether Walton could establish excusable neglect warranting an extension of the appeal period. On remand, the district court found that Walton had not established excusable neglect. Walton also appeals from that order (No. 01-6328).

We have reviewed the record and the district court's opinion in No. 01-6328 and find no abuse of discretion. Cannabis Action Network, Inc. v. City of Gainesville, 231 F.3d 761, 766 (11th Cir. 2000) (stating standard of review). Accordingly, we affirm on the reasoning of the district court. United States v. Walton, Nos. CA-99-7-1; CA-99-8-1; CA-99-9-1 (N.D.W. Va. Feb. 12, 2001).

With regard to Walton's appeal in No. 99-7344, we dismiss the appeal for lack of jurisdiction. In an action where the United States is a party, parties are accorded sixty days after entry of the district court's final judgment or order to note an appeal, Fed. R. App. P. 4(a)(1), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5), or reopens the appeal period under Fed. R. App. P. 4(a)(6). This appeal period is "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's order was entered on the docket on July 8, 1999. Walton's notice of appeal was filed on September 17, 1999. Because Walton failed to file a timely notice of appeal, to obtain an extension based upon excusable neglect, or to obtain a reopening of the appeal period, we dismiss the appeal. We deny Walton's motion to seal all pleadings and this court's opinion, except to the extent that certain filings in the record were forwarded to this court under seal from the district court. 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. 99-7344 - DISMISSED

No. 01-6328 - AFFIRMED