

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-4774

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CLIFTON LEE JORDAN,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence. Cameron McGowan Currie, District Judge. (CR-99-795)

Submitted: March 30, 2001

Decided: April 20, 2001

Before MOTZ and TRAXLER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Parks Nolan Small, Federal Public Defender, Columbia, South Carolina, for Appellant. Jon Rene Josey, OFFICE OF THE UNITED STATES ATTORNEY, Columbia, South Carolina; Rosemary Davis Parham, Assistant United States Attorney, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Clifton Lee Jordan seeks to appeal the district court's judgment of conviction. We dismiss the appeal for lack of jurisdiction because Jordan's notice of appeal was not timely filed.

Parties are accorded ten days after entry of the district court's judgment in a criminal case to note an appeal, see Fed. R. App. P. 4(b)(1), unless the district court extends the appeal period under Fed. R. App. P. 4(b)(4). 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)); see also United States v. Raynor, 939 F.2d 191, 197 (4th Cir. 1991).

The district court's judgment was entered on the docket on August 16, 2000. Jordan's pro se notice of appeal was filed on October 20, 2000.* Because Jordan failed to file a timely notice of appeal or to obtain an extension of the appeal period, we 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

* For the purpose of this appeal we assume that the date appearing on the notice of appeal is the earliest date it could have been given to prison officials for mailing. See Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266 (1988).