

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-4518

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MARION SHAWN ANDERSON,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. William M. Nickerson, District Judge. (CR-98-262-WMN)

Submitted: December 20, 2001

Decided: December 27, 2001

Before LUTTIG, TRAXLER, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Marion Shawn Anderson, Appellant Pro Se. Philip S. Jackson, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Marion Shawn Anderson seeks to appeal a judgment in a criminal case. We dismiss the appeal for lack of jurisdiction because Anderson's notice of appeal was not timely filed.

Parties are accorded ten days after entry of the district court's judgment to note an appeal, see Fed. R. App. P. 4(b)(1)(A)(i), 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)).

The district court's order was entered on the docket on September 29, 2000. Anderson's notice of appeal was filed on June 18, 2001.* Because Anderson failed to file a timely notice of appeal or to obtain an extension or reopening 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 filing date. See Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266 (1988).