

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6283

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

EDWARD HAROLD SAUNDERS, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Western
District of North Carolina, at Charlotte. Graham C. Mullen, Chief
District Judge. (CR-94-17)

Submitted: April 25, 2002

Decided: May 8, 2002

Before WILLIAMS and KING, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed in part and affirmed in part by unpublished per curiam
opinion.

Edward Harold Saunders, Jr., Appellant Pro Se. Robert Jack Higdon,
Jr., OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North
Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Edward Harold Saunders, Jr., seeks to appeal the district court's orders denying relief on his motion to dismiss the indictment under Fed. R. Crim. P. 12(b)(2), and his motion for reconsideration. We dismiss in part and affirm in part.

In criminal cases, the defendant is accorded ten days after entry of the district court's final judgment or order to note an appeal, see Fed. R. App. P. 4(b)(1)(A), unless the district court extends the appeal period under Fed. R. App. P. 4(b)(4). This appeal period is "mandatory and jurisdictional." United States v. Raynor, 939 F.2d 191, 196 (4th Cir. 1991).

The district court's order denying Rule 12(b)(2) relief was filed on July 9, 2001, and entered on the docket on July 17, 2001. Saunders filed his notice of appeal on February 1, 2002. Because Saunders failed to file a timely notice of appeal or obtain an extension of the appeal period, we lack jurisdiction to review the district court's order denying his motion to dismiss the indictment. We therefore dismiss this portion of the appeal.

With regard to the denial of the motion for reconsideration, we have reviewed the record, the district court's order, and Saunders' informal brief filed in this court. Because Saunders failed to challenge on appeal the district court's disposition of the motion for reconsideration, he has waived appellate review of that order. 4th Cir. R. 34(b). We therefore affirm this portion of

the appeal on the reasoning of the district court. United States v. Saunders, No. CR-94-17 (W.D.N.C. filed Jan. 25, 2002 & entered Jan. 30, 2002). 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 IN PART; AFFIRMED IN PART