

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4350

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTHONY FEURTADO, a/k/a Anthony Greene, a/k/a Ginzo, a/k/a
Gap, a/k/a Pretty Tony, a/k/a Tony Feurtado, a/k/a Anthony
Lamar Brown, a/k/a Anthony Paul,

Defendant - Appellant.

Appeal from the United States District Court for the District of
South Carolina, at Columbia. Sol Blatt, Jr., Senior District
Judge. (3:96-cr-00325-SB-1)

Submitted: July 17, 2008

Decided: August 28, 2008

Before WILKINSON, NIEMEYER, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Anthony Feurtado, Appellant Pro Se. Mark C. Moore, Assistant
United States Attorney, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Anthony Feurtado, a federal prisoner, seeks to appeal the district court's amended criminal judgment sentencing him to 210 months of imprisonment. We conclude that Feurtado's notice of appeal is untimely. A notice of appeal in a criminal case must be filed within ten days of the entry of judgment being appealed. Fed. R. App. P. 4(b)(1). The district court, upon a finding of excusable neglect or good cause, may extend the time period for filing a notice of appeal an additional thirty days. Fed. R. App. P. 4(b)(4). The appeal periods established by Rule 4 are mandatory and jurisdictional. Browder v. Dir., Dep't of Corr., 434 U.S. 257, 264 (1978); United States v. Raynor, 939 F.2d 191, 197 (4th Cir. 1991). Feurtado's amended criminal judgment, correcting a clerical error under Fed. R. Crim. P. 36, was entered on December 12, 2007. He did not file a notice of appeal until, at the earliest, March 18, 2008, outside both the ten-day appeal and thirty-day excusable neglect periods. Thus, Feurtado's appeal is untimely. Accordingly, we dismiss the appeal for lack of jurisdiction and deny as moot Feurtado's numerous pending motions.

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