

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-1195

KHADIJAH MUHAMMAD, singly, and as next friend
to

Plaintiff - Appellant,

ALYSHA S. PERKINS, a minor,

Plaintiff,

versus

GUARDIAN CORPORATION, d/b/a Hardee's of Cross
Lanes, West Virginia, the parent company of
Hardee's,

Defendant - Appellee,

and

HARDEE'S OF CROSS LANES, WEST VIRGINIA,

Defendant.

Appeal from the United States District Court for the Southern
District of West Virginia, at Charleston. John T. Copenhaver, Jr.,
District Judge. (CA-94-890-2)

Submitted: June 19, 1997

Decided: June 26, 1997

Before WILKINS and MICHAEL, Circuit Judges, and BUTZNER, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Khadijah Muhammad, Appellant Pro Se. Bryan Rex Cokeley, STEPTOE &
JOHNSON, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant filed an untimely notice of appeal. We dismiss the appeal for lack of jurisdiction. The time periods for filing notices of appeal are governed by Fed. R. App. P. 4. These periods are "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)). Parties to civil actions have thirty days within which to file in the district court notices of appeal from judgments or final orders. Fed. R. App. P. 4(a)(1). The only exceptions to the appeal period are when the district court extends the time to appeal under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6).

The district court entered its order on November 2, 1995; Appellant's notice of appeal was filed on December 5, 1995, which is beyond the thirty-day limit. Appellant's failure to file a timely notice of appeal or to obtain either an extension or a reopening of the appeal period leaves this court without jurisdiction to consider the merits of Appellant's appeal. We therefore 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