

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-6768**

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DERRICK THOMAS,

Plaintiff - Appellant,

versus

GUILFORD COUNTY SHERIFF'S DEPARTMENT; B. J.  
BARNES; GUILFORD COUNTY COMMISSIONERS; GARY B.  
GOODMAN; M. S. JAMES; PETER M. MCHUGH; HOWARD  
GREESON; W. STEVEN ALLEN,

Defendants - Appellees.

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Appeal from the United States District Court for the Middle Dis-  
trict of North Carolina, at Greensboro. Frank W. Bullock, Jr.,  
Chief District Judge. (CA-96-815-2)

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Submitted: October 21, 1997

Decided: November 12, 1997

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Before ERVIN, LUTTIG, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Derrick Thomas, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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 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 April 7, 1997; Appellant's notice of appeal was filed on May 8, 1997, which is beyond the thirty-day appeal period.\* Appellant's motion for an extension of time for filing a notice of appeal was denied. Appellant's failure to note a timely appeal or obtain an extension 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 conten-

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\* We presume for the purposes of this appeal that the filing date for the notice of appeal was the date it was deposited in the correctional institution's internal mail system. See Fed. R. App. P. 4(c).

tions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED