

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-4399

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOHN DAVIS LIPPHARDT,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Wheeling. Frederick P. Stamp, Jr., Chief District Judge. (CR-97-39)

Submitted: July 25, 2000

Decided: October 19, 2000

Before MOTZ, TRAXLER, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Stephen Douglas Herndon, Wheeling, West Virginia, for Appellant.
Samuel Gerald Nazzaro, Jr., Assistant United States Attorney,
Wheeling, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

John Lipphardt seeks to appeal the district court's order revoking his supervised release and sentencing him to twelve months and one day incarceration. Because Lipphardt filed his appeal beyond the ten-day appeal period but during the thirty-day period in which the district court could extend the filing period upon a showing of good cause or excusable neglect, this court remanded the case to the district court for a finding on this issue. Lipphardt failed to respond to the district court's orders directing him to state his reasons for the late filing. We therefore dismiss this appeal for lack of jurisdiction because Lipphardt's notice of appeal was not timely filed and he failed to demonstrate good cause or excusable neglect. See Fed. R. App. P. 4(b). 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