

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 99-2767

Salvatore V. Ballato,

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Appellant,

*

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v.

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Appeal from the United States

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District Court for the

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District of Minnesota.

Donald G. Romine; Gregory D.

*

Wickstrom; Eugene A. Homeister;

*

F. W. Apple; Inez C. Smith; Lt. (NFN)

*

[UNPUBLISHED]

Earl; (NFN) Cisar; William Morgan;

*

Zandra Gutterrez; Carrol V. Ruedy;

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(NFN) Andersen; D. E. Nelson; John

*

and Jane Does, 1-20,

*

*

Appellees.

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Submitted: April 18, 2000

Filed: April 24, 2000

Before LOKEN, FAGG, and HANSEN, Circuit Judges.

PER CURIAM.

Salvatore Ballato seeks to appeal the district court's¹ 28 U.S.C. § 1915A dismissal of his Bivens v. Six Unknown Named Agents of the Fed. Bureau of Narcotics, 403 U.S. 388 (1971) suit. We dismiss the appeal for lack of jurisdiction because Ballato's notice of appeal was untimely. See Fed. R. App. P 4(a)(1), 4(c)(1); Burgs v. Johnson County, Iowa, 79 F.3d 701, 702 (8th Cir. 1996) (per curiam) (timely notice of appeal is mandatory and jurisdictional). We deny Ballato's motion to expand the record.

Accordingly, the appeal is dismissed.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

¹The Honorable Donovan W. Frank, United States District Judge for the District of Minnesota, adopting the report and recommendation of the Honorable John M. Mason, United States Magistrate Judge for the District of Minnesota.