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No. 96-1624

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Marvin Eugene Wahl,

Appellant,

v.

United States of America,

Appellee.

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Appeal from the United States  
District Court for the  
Eastern District of Arkansas.  
[UNPUBLISHED]

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Submitted: July 18, 1996

Filed: July 30, 1996

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Before FAGG, WOLLMAN, and MURPHY, Circuit Judges.

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PER CURIAM.

Marvin Eugene Wahl appeals the district court's order denying his two 18 U.S.C. § 3582(c)(2) motions to reduce his sentence. Because Wahl filed his notice of appeal more than ten days after entry of the order, we lack jurisdiction to review the merits of his appeal. See Fed. R. App. P. 4(b) (affording criminal defendants ten days after entry of judgment or order to file notice of appeal; district court may grant thirty-day extension upon showing of excusable neglect); United States v. Petty, 82 F.3d 809, 810 (8th Cir. 1996) (per curiam) (Rule 4(b) applies to appeals from denial of § 3582(c)(2) motion; timely notice of appeal is both mandatory and jurisdictional).

Accordingly, we dismiss the appeal. See 8th Cir. R. 47A(a).

A true copy.

Attest:

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