

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-1469

United States of America,

Appellee,

v.

Benjamin Wayne McCain,

Appellant.

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Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: July 10, 1997

Filed: July 16, 1997

Before WOLLMAN, LOKEN, and HANSEN, Circuit Judges.

PER CURIAM.

Benjamin Wayne McCain, confined at the U.S. Medical Center for Federal Prisoners (MCFP), Springfield, Missouri, appeals the district court's¹ judgment committing him to the custody of the Attorney General pursuant to 18 U.S.C. § 4246. Because McCain's notice of appeal was not filed within the sixty-day time period provided by Federal Rule of Appellate Procedure 4(a)(1), we lack jurisdiction. See

¹The Honorable Russell G. Clark, United States District Judge for the Western District of Missouri, adopting the report and recommendation of the Honorable James C. England, United States Magistrate Judge for the Western District of Missouri.

United States v. Vanorum, 912 F.2d 1023, 1025 (8th Cir. 1990). Accordingly, we dismiss. See 8th Cir. R. 47A(a).

A true copy.

Attest:

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