

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

No. 04-4204

Johnny L. Hite,

Appellant,

v.

Webster Groves High School,

Appellee.

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

[UNPUBLISHED]

Submitted: December 29, 2005

Filed: January 9, 2006

Before MELLOY, HANSEN, and GRUENDER, Circuit Judges.

PER CURIAM.

Johnny Hite appeals following the district court's¹ adverse grant of summary judgment in his employment-discrimination and retaliation suit. We dismiss the appeal as untimely, because Hite failed to file his notice of appeal within thirty days after the district court entered its judgment, as required under Federal Rule of Appellate Procedure 4(a)(1), or to move timely, pursuant to Federal Rule of Appellate

¹The Honorable Catherine D. Perry, United States District Judge for the Eastern District of Missouri.

Procedure 4(a)(5), for an extension of time to appeal, see Fed. R. App. P. 26(b)(1) (court may not extend time to file notice of appeal except as authorized by Rule 4).

Accordingly, we dismiss this appeal, see Burgs v. Johnson County, Iowa, 79 F.3d 701, 702 (8th Cir. 1996) (per curiam) (“A timely notice of appeal is mandatory and jurisdictional.”), and we deny as moot Hite’s motion for appellate counsel.
