

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-7133**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTHONY HATCHES, a/k/a Jameel Smith, a/k/a Anthony Dove,  
a/k/a Ant Hatches, a/k/a Anthony Farvey,

Defendant - Appellant.

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Appeal from the United States District Court for the Western  
District of Virginia, at Charlottesville. Norman K. Moon,  
District Judge. (3:02-cr-00058-NKM-1)

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Submitted: November 13, 2008

Decided: November 20, 2008

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Before WILKINSON, NIEMEYER, and SHEDD, Circuit Judges.

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Remanded by unpublished per curiam opinion.

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Anthony Hatches, Appellant Pro Se. Bruce A. Pagel, OFFICE OF THE  
UNITED STATES ATTORNEY, Charlottesville, Virginia, Jeb Thomas  
Terrien, Assistant United States Attorney, Harrisonburg,  
Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Anthony Hatches seeks to appeal the district court's order denying his motion for reduction of sentence under 18 U.S.C. § 3582(c) (2006). In criminal cases, the defendant must file the notice of appeal within ten days after the entry of judgment. Fed. R. App. P. 4(b)(1)(A); see United States v. Alvarez, 210 F.3d 309, 310 (5th Cir. 2000) (holding that § 3582 proceeding is criminal in nature and ten-day appeal period applies). With or without a motion, upon a showing of excusable neglect or good cause, the district court may grant an extension of up to thirty days to file a notice of appeal. Fed. R. App. P. 4(b)(4); United States v. Reyes, 759 F.2d 351, 353 (4th Cir. 1985).

The district court entered its order denying the motion for reduction of sentence on June 3, 2008. Hatches delivered the notice of appeal to prison officials on June 18, 2008, after the ten-day period expired but within the thirty-day excusable neglect period. Because the notice of appeal was filed within the excusable neglect period, we remand the case to the district court for the court to determine whether Hatches has shown excusable neglect or good cause warranting an extension of the ten-day appeal period. The record, as

supplemented, will then be returned to this court for further consideration.

REMANDED