

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-4372**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BRIAN CHAMPAGNE,

Defendant - Appellant.

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Appeal from the United States District Court for the District of Maryland, at Greenbelt. Roger W. Titus, District Judge. (8:06-cr-00481-RWT-1)

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Submitted: July 30, 2009

Decided: December 28, 2009

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Before WILKINSON and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Meghan Suzanne Skelton, Assistant Federal Public Defender, Greenbelt, Maryland; James Wyda, Federal Public Defender, Baltimore, Maryland, for Appellant. Daniel J. Fortune, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland; Mara B. Zusman, OFFICE OF THE UNITED STATES ATTORNEY, Greenbelt, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Brian Champagne seeks to appeal his conviction and sentence. 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). 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 judgment on January 9, 2007. The notice of appeal was filed on August 22, 2008. Because Champagne failed to file a timely notice of appeal or to obtain an extension of the appeal period, we dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED