

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7719

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WAYNE HILL,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Henry F. Floyd, District Judge. (6:05-cr-00707-HFF-6)

Submitted: December 17, 2009

Decided: December 30, 2009

Before WILKINSON, NIEMEYER, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Wayne Hill, Appellant Pro Se. Robert Frank Daley, Jr., Assistant United States Attorney, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Wayne Hill appeals the district court's order denying his motion for a delayed direct appeal. Hill was sentenced in March 2006 and did not file an appeal. In July 2009, he filed the underlying motion seeking permission from the district court to note a delayed appeal. Assuming the ten-day appeal period specified in Fed. R. App. P. 4(b) is no longer considered jurisdictional, see generally Bowles v. Russell, 551 U.S. 205, 209-14 (2007), we find no basis in the record to justify an extension of the more than three years requested by Hill. Accordingly, we affirm the district court's denial of Hill's motion.* 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.

AFFIRMED

* To the extent the district court relied on the appellate waiver contained in Hill's plea agreement, we decline to adopt this reasoning. See United States v. Poindexter, 492 F.3d 263, 273 (4th Cir. 2007).