

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-6848

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROY LEE DYKES,

Defendant - Appellant.

No. 23-6974

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROY LEE DYKES,

Defendant - Appellant.

Appeals from the United States District Court for the Western District of Virginia, at Big Stone Gap. James P. Jones, Senior District Judge. (2:18-cr-00003-JPJ-PMS-1)

Submitted: December 13, 2023

Decided: December 29, 2023

Before AGEE and HARRIS, Circuit Judges, and MOTZ, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Roy Lee Dykes, Appellant Pro Se. Jonathan Patrick Jones, OFFICE OF THE UNITED STATES ATTORNEY, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Roy Lee Dykes appeals the district court's orders denying his motions for an extension of time to file a 28 U.S.C. § 2255 motion. Because Dykes had not filed a § 2255 motion and his motions for an extension of time did "not articulate[] any basis in fact or in law for relief under [§] 2255," the district court correctly found that it lacked jurisdiction to consider the motions. *Green v. United States*, 260 F.3d 78, 84 (2d Cir. 2001); *United States v. Leon*, 203 F.3d 162, 163-64 (2d Cir. 2000) (per curiam); *accord United States v. Asakevich*, 810 F.3d 418, 419-24 (6th Cir. 2016).

Accordingly, we grant Dykes' motion to supplement his informal brief, deny his motions to stay,* and affirm the district court's orders. *United States v. Dykes*, No. 2:18-cr-00003-JPJ-PMS-1 (W.D. Va. Aug. 14, 2023; Sept. 18, 2023). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

* Dykes' subsequently-filed § 2255 motion remains pending in the district court. We find it unnecessary to stay the instant appeals pending the district court's resolution of that motion. We express no opinion as to the merits of Dykes' arguments regarding timeliness and equitable tolling.