

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-7420

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

PATRICK EARL FRANCIS, a/k/a Jerome Brown,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Jackson L. Kiser, Senior District Judge. (7:94-cr-40106-jlk-4)

Submitted: November 21, 2006

Decided: December 1, 2006

Before TRAXLER and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Patrick Earl Francis, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Patrick Earl Francis seeks to appeal his 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 April 18, 1995. The notice of appeal was filed on August 10, 2006. Because this notice of appeal was not timely filed, 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

*We note that this court previously affirmed Francis' convictions and sentence. See United States v. Francis, No. 95-5266, 1997 WL 657132 (4th Cir. Oct. 23, 1997) (unpublished).