

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6223

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JEREMY LUJAN AIKEN,

Defendant - Appellant.

Appeal from the United States District Court for the Western
District of North Carolina, at Asheville. Lacy H. Thornburg,
District Judge. (1:04-cr-00092-1)

Submitted: October 19, 2007

Decided: November 16, 2007

Before WILKINSON, MICHAEL, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Jeremy Lujan Aiken, Appellant Pro Se. Jill Westmoreland Rose,
OFFICE OF THE UNITED STATES ATTORNEY, Asheville, North Carolina,
for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jeremy Lujan Aiken appeals the district court's order denying his motion to compel a substantial assistance motion.* We have reviewed the record and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See United States v. Aiken, No. 1:04-cr-00092-1 (W.D.N.C. Jan. 9, 2007). We deny Aiken's motion to order an evidentiary hearing. 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

*We previously remanded to the district court for that court to determine if excusable neglect existed to warrant extension of the appeal period. While the court did not specifically state whether Aiken had shown excusable neglect or good cause warranting extension of the ten-day appeal period, we conclude from its order that it intended its processing of Aiken's otherwise untimely notice of appeal to reflect its determination that Aiken be accorded the benefit of the permitted extension of time.