

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-6372

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RAYFORD KNIGHT, a/k/a Cherokee, a/k/a Chief,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Benson Everett Legg, District Judge. (1:93-cr-00022-BEL-1)

Submitted: January 19, 2010

Decided: January 26, 2010

Before NIEMEYER, KING, and DAVIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Rayford Knight, Appellant Pro Se. John Francis Purcell, Jr., Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rayford Knight seeks to appeal the district court's order denying his "Motion to Enforce Judgment of Termination of Charges Pursuant to 28 U.S.C. § 1361." We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

The district court entered its judgment on April 14, 2008. Knight's notice of appeal was filed, at the earliest, on January 27, 2009.* Thus, Knight's notice of appeal was filed well beyond the appeal period established by Rule 4 of the Federal Rules of Appellate Procedure.

Because Knight failed to file a timely notice of appeal, we dismiss the appeal. Knight's motion for default judgment is denied. 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

* For the purpose of this appeal, we assume that the date appearing on the notice of appeal is the earliest date it could have been properly delivered to prison officials for mailing to the court. See Fed. R. App. P. 4(c)(1); Houston v. Lack, 487 U.S. 266, 276 (1988).