

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-4808

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MOSES REZA,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. N. Carlton Tilley, Jr., Senior District Judge. (1:09-cr-00158-NCT-1)

Submitted: October 4, 2010

Decided: November 10, 2010

Before MOTZ, SHEDD, and KEENAN, Circuit Judges.

Remanded by unpublished per curiam opinion.

Ronald Cohen, Wilmington, North Carolina, for Appellant. Sandra Jane Hairston, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Moses Reza seeks to appeal his conviction and sentence. In criminal cases, the defendant must file the notice of appeal within fourteen 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 the amended judgment on May 24, 2010. Reza filed the notice of appeal on July 6, 2010, see Fed. R. App. P. 4(d), after the fourteen-day period expired but within the thirty-day excusable neglect period. Because the notice of appeal was filed within the excusable neglect period, we remand the case to the district court for the court to determine whether Reza has shown excusable neglect or good cause warranting an extension of the fourteen-day appeal period. The record, as supplemented, will then be returned to this court for further consideration. We defer action on the Government's motion to dismiss the appeal.

REMANDED