

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-4063

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JERMAINE NELSON,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Anderson. G. Ross Anderson, Jr., Senior District Judge. (8:09-cr-01333-GRA-1)

Submitted: March 27, 2014

Decided: April 1, 2014

Before MOTZ, Circuit Judge, and HAMILTON and DAVIS, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Jermaine Nelson, Appellant Pro Se. William Jacob Watkins, Jr., OFFICE OF THE UNITED STATES ATTORNEY, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jermaine Nelson seeks to appeal his conviction and sentence. The Government has moved to dismiss the appeal as untimely.

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 judgment on January 5, 2011. The notice of appeal was filed on January 8, 2014.* Because Nelson failed to file a timely notice of appeal or to obtain an extension of the appeal period, we grant the Government's motion to dismiss the appeal, deny Nelson's motion for transcripts at government expense, and dismiss the appeal.

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. Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266 (1988).