UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-4811

UNITED STATES OF AMERICA,

Plaintiff – Appellee,

v.

CEDRIC LEE LOCKLEAR,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. Louise W. Flanagan, District Judge. (7:13-cr-00032-FL-3)

Submitted: February 1, 2017 Decided: February 6, 2017

Before MOTZ and KING, Circuit Judges, and DAVIS, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

David L. Neal, Hillsborough, North Carolina, for Appellant. Jennifer P. May-Parker, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Cedric Lee Locklear seeks to appeal his conviction and sentence. The Government has moved to dismiss the appeal based on the appellate waiver in Locklear's plea agreement. In a criminal case, a defendant must file his notice of appeal within 14 days after the entry of judgment. Fed. R. App. P. 4(b)(1)(A). With or without a motion, the district court may extend the time in which to file a notice of appeal for an additional 30 days from the expiration of this time period upon a finding of excusable neglect or good cause. 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 December 19, 2013. The notice of appeal was filed on October 24, 2014.* As Locklear failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period in the district court, we dismiss the appeal. We thus grant the Government's motion to the extent it seeks dismissal of the appeal. We dispense with oral argument because the facts and legal

* See Houston v. Lack, 487 U.S. 266, 276 (1988) (prisoner's notice of appeal filed at the time it is delivered to prison officials for mailing).

contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED