

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-6660

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHAWN ALTEGO CATO,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence. Terry L. Wooten, Chief District Judge. (4:09-cr-00225-TLW-1)

Submitted: October 22, 2014

Decided: October 27, 2014

Before GREGORY and THACKER, Circuit Judges, and DAVIS, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

William F. Nettles, IV, Assistant Federal Public Defender, Florence, South Carolina, for Appellant. Alfred William Walker Bethea, Jr., Assistant United States Attorney, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shawn Altego Cato seeks to appeal his convictions and sentence following his guilty plea to narcotics and firearms offenses. At the time Cato's judgment of conviction was entered on the docket, the Federal Rules of Appellate Procedure required him to file his notice of appeal within ten days, absent circumstances extending the appeal period. Fed. R. App. P. 4(b)(1)(A)(i), 4(b)(4).

The district court entered judgment in November 2009. Cato then waited over four years to file his notice of appeal. Because Cato failed to file a timely notice of appeal or to otherwise extend the appeal period, we dismiss the appeal as untimely.* We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED

* We note that the appeal period in a criminal case is not a jurisdictional provision but, rather, a claim-processing rule. United States v. Urutyan, 564 F.3d 679, 685 (4th Cir. 2009); see Bowles v. Russell, 551 U.S. 205, 209-14 (2007). Because Cato's appeal is inordinately late and its consideration is not in the best interest of judicial economy, we exercise our inherent power to dismiss the appeal as untimely filed. See United States v. Mitchell, 518 F.3d 740, 744, 750 (10th Cir. 2008).