

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-7483

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FRANCIS DAVID SHERMAN,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Abingdon. James P. Jones, District Judge. (1:10-cr-00039-JPJ-RSB-1; 1:13-cv-80587-JPJ-RSB)

Submitted: November 19, 2015

Decided: November 24, 2015

Before NIEMEYER, KING, and HARRIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Francis David Sherman, Appellant Pro Se. Zachary T. Lee, Assistant United States Attorney, Abingdon, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Francis David Sherman appeals the district court's order denying his motion to reopen the period to note an appeal from the district court's order denying relief on his 28 U.S.C. § 2255 (2012) motion. Sherman's motion asserted that he did not receive a copy of the district court's order denying his 28 U.S.C. § 2255 motion. Because Sherman filed his motion to reopen the period to note an appeal more than 180 days after the district court's order denying his § 2255 motion, the district court lacked authority to reopen the appeal period. See Fed. R. Civ. P. 77(d)(2); Fed. R. App. P. 4(a)(6).

Accordingly, we affirm the district court's order. 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.

AFFIRMED