

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-4693

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CALVIN IBERSON,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Abingdon. James P. Jones, District Judge. (1:14-cr-00024-JPJ-1)

Submitted: June 15, 2017

Decided: June 27, 2017

Before TRAXLER and HARRIS, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Charles M. Henter, HENTERLAW, PLC, Charlottesville, Virginia, for Appellant.
Zachery T. Lee, Assistant United States Attorney, Abingdon, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Calvin Iberson seeks to appeal from his conviction and 48-month sentence for cocaine base trafficking. The Government has moved to dismiss the appeal as untimely and barred by Iberson's appellate waiver. We grant the Government's motion and dismiss Iberson's appeal.

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). "When the government properly objects to the untimeliness of a defendant's criminal appeal, Rule 4(b) is mandatory and inflexible." *See United States v. Frias*, 521 F.3d 229, 234 (2d Cir. 2008) (citations omitted).

The district court entered the criminal judgment against Iberson on January 6, 2015. The notice of appeal was deemed filed on November 19, 2016. *See Houston v. Lack*, 487 U.S. 266, 276 (1988). Because Iberson failed to file a timely notice of appeal, we grant the Government's motion and dismiss the appeal. 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