

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6422

UNITED STATES OF AMERICA,

Plaintiff, Appellee,

v.

ANTONIO EDWARDS,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. J. Frederick Motz, Senior District Judge. (1:10-cr-00769-JFM-1; 1:14-cv-00920-JFM)

Submitted: August 18, 2016

Decided: August 23, 2016

Before WILKINSON, KING, and KEENAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Antonio Edwards, Appellant Pro Se. Michael Clayton Hanlon, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Antonio Edwards seeks to appeal the district court's order dismissing his 28 U.S.C. § 2255 (2012) motion. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

We previously dismissed Edwards' appeal for lack of jurisdiction on the same ground—untimely notice of appeal. United States v. Edwards, 627 F. App'x 249 (4th Cir. 2015) (No. 15-7088). Edwards subsequently moved in the district court to reopen the appeal period, which the court granted by margin order. However, the district court did not have the authority to reopen the appeal period because Edwards' motion was filed more than 180 days after the district court judgment denying Edwards' § 2255 motion. See Fed. R. App. P. 4(a)(6)(B). Thus, Edwards' new notice of appeal is also untimely, and we continue to lack jurisdiction to hear Edwards' appeal. Therefore, we deny Edwards' motion for appointment of counsel 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