

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7489

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TREMAYNE KENDRICK BLACKWELL, a/k/a Little Kenny, a/k/a Tremayne Oakley Kendrick, a/k/a Tremayne Kendrick Blackwell, a/k/a Kenny, a/k/a Kendrick Jermaine Oakley, a/k/a Kendrick Tremayne Oakley,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Statesville. Richard L. Voorhees, District Judge. (5:05-cr-00257-RLV-DCK-1)

Submitted: March 20, 2017

Decided: March 29, 2017

Before TRAXLER, SHEDD, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Tremayne Kendrick Blackwell, Appellant Pro Se. William Thomas Bozin, Thomas A. O'Malley, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tremayne Kendrick Blackwell seeks to appeal his conviction and sentence for conspiracy to possess with intent to distribute cocaine and cocaine base, in violation of 21 U.S.C. §§ 846, 851 (2012). We dismiss the appeal as untimely.

In criminal cases, the defendant must file the notice of appeal within 14 days after the entry of judgment. Fed. R. App. P. 4(b)(1)(A). Although this time limit is not jurisdictional, *United States v. Urutyayn*, 564 F.3d 679, 685 (4th Cir. 2009), we may raise the Rule 4(b) time bar sua sponte when judicial resources and administration are implicated or the delay has been inordinate, *United States v. Mitchell*, 518 F.3d 740, 750 (10th Cir. 2008).

The district court first entered judgment on February 18, 2009, and entered judgment resentencing Blackwell on December 3, 2015. Blackwell filed his notice of appeal on October 25, 2016, long after the 14-day appeal period expired. Because Blackwell did not file a notice of appeal that was timely or within the time period during which the district court had the authority to extend the appeal period, Fed. R. App. P. 4(b)(4), and because the delay in filing has been inordinate, we 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