

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-7130

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ASAEL GOMEZ-JIMENEZ, a/k/a Luis Aguilar-Sierra,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Dever III, District Judge. (5:12-cr-00274-D-2)

Submitted: December 20, 2018

Decided: December 27, 2018

Before DIAZ and RICHARDSON, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Asael Gomez-Jimenez, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Asael Gomez-Jimenez seeks to appeal his criminal sentence. We previously upheld Gomez-Jimenez's sentence on direct appeal and on review of the denial of his 28 U.S.C. § 2255 (2012) motion. *United States v. Gomez-Jimenez*, 699 F. App'x 209 (4th Cir. 2017) (No. 17-6755); *United States v. Gomez-Jimenez*, 625 F. App'x 602 (4th Cir. 2015) (Nos. 14-4572, 14-4696). Accordingly, we dismiss the appeal as duplicative and untimely. *See United States v. Oliver*, 878 F.3d 120, 129 (4th Cir. 2017) (holding that we may *sua sponte* dismiss untimely criminal appeal when “an intervening judgment or collateral-review proceeding has relied on the judgment appealed”). 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