

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-7034

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHARLES D. IZAC,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Martinsburg. John Preston Bailey, District Judge. (3:02-cr-00058-JPB-MJA-1)

Submitted: November 19, 2019

Decided: November 22, 2019

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

Affirmed by unpublished per curiam opinion.

Charles D. Izac, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charles D. Izac appeals the district court's orders denying his motion for early termination of his supervised release and denying his petition for rehearing in which he sought resentencing. We have reviewed the record and find no reversible error.* Accordingly, we affirm for the reasons stated by the district court. *United States v. Izac*, No. 3:02-cr-00058-JPB-MJA-1 (N.D.W. Va. Oct. 19, 2018 & Dec. 3, 2018). 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

* Izac's appeal is untimely, as it was filed beyond the 14-day appeal period. Fed. R. App. P. 4(b)(1)(A). However, the appeal period in a criminal case is not a jurisdictional provision, but rather a claims-processing rule. *United States v. Urutyanyan*, 564 F.3d 679, 685 (4th Cir. 2009). The Government did not file a motion to dismiss on timeliness grounds and we therefore decline to dismiss this portion of the appeal. *See United States v. Oliver*, 878 F.3d 120, 129 (4th Cir. 2017) (absent Government motion, appeal period in criminal cases generally not enforced).