

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-8124

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DERRICK WATKINS,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Frederic N. Smalkin, Chief District Judge. (CR-99-513-S, CA-01-2830-S)

Submitted: February 21, 2002

Decided: March 7, 2002

Before WILKINS, MOTZ, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Derrick Watkins, Appellant Pro Se. James McCormick Webster, III, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Derrick Watkins seeks to appeal the district court's orders denying his motion filed under 28 U.S.C.A. § 2255 (West Supp. 2001) and his motion for reconsideration. To the extent that Watkins seeks to appeal the denial of § 2255 relief, we dismiss that appeal as untimely. The district court entered its final order denying § 2255 relief on September 25, 2001. Watkins' notice of appeal was received in this court on December 12, 2001. Because Watkins noted his appeal more than sixty days after the district court's order without obtaining an extension of time or reopening the appeal period, we dismiss that aspect of his appeal as untimely. See Fed. R. App. P. 4(a); Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978). As to the court's denial of his motion for reconsideration, we have reviewed the record and the district court's opinion and find no reversible error. Accordingly, as to that order, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court. See United States v. Watkins, Nos. CR-99-513-S; CA-01-2830-S (D. Md. Oct. 25, 2001). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED