

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-4323**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOVANI ZAMORA, a/k/a Jovani Martinez Zamora,  
a/k/a Jovani Betancourt Zamora, a/k/a Jovani  
Martinez,

Defendant - Appellant.

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Appeal from the United States District Court for the Western  
District of North Carolina, at Asheville. Lacy H. Thornburg,  
District Judge. (CR-02-66)

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Submitted: May 14, 2003

Decided: June 20, 2003

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Before NIEMEYER, MICHAEL, and SHEDD, Circuit Judges.

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Remanded by unpublished per curiam opinion.

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Kyle William King, Asheville, North Carolina, for Appellant. Jerry  
Wayne Miller, OFFICE OF THE UNITED STATES ATTORNEY, Asheville,  
North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Jovani Martinez Zamora seeks to appeal his conviction and sentence. In criminal cases, the defendant must file his notice of appeal within ten days of the entry of judgment. Fed. R. App. P. 4(b)(1)(A). With or without a motion, the district court may grant an extension of time to file of up to thirty days upon a showing of excusable neglect or good cause. Fed. R. App. P. 4(b)(4); United States v. Reyes, 759 F.2d 351, 353 (4th Cir. 1985).

The district court entered its judgment on March 13, 2003; the ten-day appeal period expired on March 27, 2003. Zamora filed his notice of appeal on April 3, 2003, after the ten-day period expired but within the thirty-day excusable neglect period. Because the notice of appeal was filed within the excusable neglect period, we remand the case to the district court for the court to determine whether Zamora has shown excusable neglect or good cause warranting an extension of the ten-day appeal period. The record, as supplemented, will then be returned to this court for further consideration.

REMANDED