

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-4313

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

LONNIE LAMONT DOZIER,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence. Terry L. Wooten, District Judge. (CR-03-372)

Submitted: February 23, 2006

Decided: February 28, 2006

Before WIDENER, NIEMEYER, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Andrew R. MacKenzie, BARRETT & MACKENZIE, L.L.C., Greenville, South Carolina, for Appellant. Jonathan Scott Gasser, Acting United States Attorney, Columbia, South Carolina, Rose Mary Parham, Assistant United States Attorney, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Lonnie Lamont Dozier 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 31, 2004; Dozier filed his notice of appeal in March 2005. The district court granted no extension of time to appeal, nor did Dozier request an extension or make a showing of excusable neglect to explain why he did not file his notice of appeal until a year after the entry of judgment.

We therefore dismiss the appeal for lack of jurisdiction. Pursuant to Anders, this court requires that counsel inform Dozier, in writing, of his right to petition the Supreme Court of the United States for further review. If Dozier requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move this court for leave to withdraw from representation. Counsel's motion must state that a

*Dozier's attorney submitted a brief in accordance with Anders v. California, 386 U.S. 738 (1967), raising one issue. Dozier also filed a pro se supplemental brief raising additional issues.

copy thereof was served on Dozier. 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