

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-7573

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JEROME DERRICK HARRIS,

Defendant - Appellant.

Appeal from the United States District Court for the District of
Maryland, at Greenbelt. Peter J. Messitte, District Judge.
(8:96-cr-00260-PJM)

Submitted: June 29, 2007

Decided: July 19, 2007

Before MICHAEL, GREGORY, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Jerome Derrick Harris, Appellant Pro Se. Deborah A. Johnston,
OFFICE OF THE UNITED STATES ATTORNEY, Greenbelt, Maryland, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jerome Derrick Harris seeks to appeal the district court's order denying his motion for reduction of his sentence under 18 U.S.C. § 3582(c)(2) (2000). In criminal cases, the defendant must file the notice of appeal within ten days after the entry of judgment. Fed. R. App. P. 4(b)(1)(A). With or without a motion, upon a showing of excusable neglect or good cause, the district court may grant an extension of up to thirty days to file a notice of appeal. Fed. R. App. P. 4(b)(4); United States v. Reyes, 759 F.2d 351, 353 (4th Cir. 1985).

The district court entered judgment on August 11, 2006. The notice of appeal was filed on August 31, 2006.* Because the notice of appeal was filed within the excusable neglect period, we remanded to the district court to determine whether Harris had grounds to extend the appeal period. On remand, the district court found Harris had no grounds for an extension of the period. Because Harris failed to file a timely notice of appeal or to obtain an extension of the appeal period, we dismiss the appeal. 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

*In calculating the file date of his notice of appeal, we have given Harris the benefit of Houston v. Lack, 487 U.S. 266 (1988) and Fed. R. App. P. 4(c).