

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6855

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JACKIE MCKUBBIN, a/k/a Jack,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Richard L. Voorhees, District Judge. (3:95-cr-00005-3)

Submitted: July 20, 2007

Decided: August 23, 2007

Before MICHAEL and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Jackie McKubbin, Appellant Pro Se. Amy Elizabeth Ray, OFFICE OF THE UNITED STATES ATTORNEY, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jackie McKubbin seeks to appeal nunc pro tunc his conviction and life sentence imposed following his guilty plea to a drug conspiracy and a firearms charge. 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 an amended judgment on September 15, 1999. The notice of appeal was filed on May 31, 2007.* Because McKubbin failed to file a timely notice of appeal or to obtain an extension of the appeal period, we dismiss the appeal for lack of jurisdiction. We deny McKubbin's motions to rescind the informal briefing order, for appointment of counsel, and for reconsideration of the order deferring action on the motion for appointment of counsel. We dispense with oral argument because the facts and legal contentions are adequately presented in the

*For the purpose of this appeal, we assume that the date appearing on the notice of appeal is the earliest date it could have been properly delivered to prison officials for mailing to the court. Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266 (1988).

materials before the court and argument would not aid the
decisional process.

DISMISSED