

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-6844

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

STANLEY HICKMAN,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:93-cr-00144-BO-3)

Submitted: March 10, 2010

Decided: April 8, 2010

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

Affirmed by unpublished per curiam opinion.

Stanley Hickman, Appellant Pro Se. Anne Margaret Hayes, Assistant United States Attorney, Robert Jack Higdon, Jr., OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Stanley Hickman appeals the district court's order denying his motion to correct the presentence report.* We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Hickman, No. 5:93-cr-00144-BO-3 (E.D.N.C. Mar. 25, 2009). 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.

AFFIRMED

* We previously remanded this case for the district court to determine whether Hickman demonstrated excusable neglect or good cause warranting an extension of the appeal period. Without giving Hickman an opportunity to respond, the district court found no excusable neglect. Because the time limits of Fed. R. App. P. 4(b) are not jurisdictional, United States v. Urutyan, 564 F.3d 679, 683-86 (4th Cir. 2009), and the government has not moved to dismiss the appeal, we decline to dismiss the appeal as untimely and instead address the merits of the appeal.