

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-4808

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MOSES REZA,

Defendant - Appellant.

No. 14-4111

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MOSES REZA,

Defendant - Appellant.

Appeals from the United States District Court for the Middle
District of North Carolina, at Greensboro. N. Carlton Tilley,
Jr., Senior District Judge. (1:09-cr-00158-NCT-1)

Submitted: June 9, 2014

Decided: June 30, 2014

Before MOTZ, SHEDD, and KEENAN, Circuit Judges.

Dismissed in part; affirmed in part by unpublished per curiam opinion.

Lisa S. Costner, LISA S. COSTNER, P.A., Winston-Salem, North Carolina, for Appellant. Sandra Jane Hairston, Assistant United States Attorney, Anna Mills Wagoner, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated appeals, Moses Reza seeks to appeal his conviction and sentence after pleading guilty to conspiracy to distribute five kilograms or more of cocaine. He also appeals the district court's order denying an extension of the time to appeal under Fed. R. App. P. 4(b)(4). The Government has moved to dismiss Reza's appeal from his conviction and sentence as untimely. Reza's attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), asserting that there are no meritorious grounds for appeal but asking us to review the record pursuant to Anders. Reza was notified of his right to file a pro se supplemental brief but has not done so. We grant the Government's motion to dismiss Reza's appeal from his conviction and sentence, and we affirm the district court's order denying an extension under Rule 4(b).

In criminal cases, the defendant must file a notice of appeal within fourteen 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). While time periods in criminal cases are not jurisdictional, we enforce them when the Government raises the issue. See United States v. Urutyan, 564 F.3d 679, 683-686 (4th Cir. 2009); United States v. Mitchell, 518 F.3d

740, 744 (10th Cir. 2008). We review a district court's denial of an extension under Rule 4(b) for abuse of discretion. See United States v. Breit, 754 F.2d 526, 528-29 (4th Cir. 1985).

The district court entered the amended judgment on May 24, 2010. The notice of appeal was filed on July 6, 2010. See Fed. R. App. P. 4(d). We previously remanded this case to the district court to determine whether Reza could show excusable neglect or good cause warranting an extension of the appeal period. On remand, the district court found that an extension of the appeal period was not warranted. After reviewing the record, we conclude that the district court did not abuse its discretion in denying an extension under Rule 4(b).

In accordance with Anders, we have reviewed the entire record and have found no meritorious issues for appeal. Accordingly, we grant the Government's motion to dismiss Reza's appeal from his conviction and sentence, and we affirm the district court's order denying an extension under Rule 4(b). This Court requires that counsel inform his or her client, in writing, of his or her right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this Court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client.

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 PART;
AFFIRMED IN PART