

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6143

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHARLES JERMAINE KEITT,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Orangeburg. Margaret B. Seymour, District Judge. (5:07-cr-01020-MBS-1)

Submitted: June 1, 2010

Decided: June 10, 2010

Before GREGORY, SHEDD, and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Charles Jermaine Keitt, Appellant Pro Se. Stanley Duane Ragsdale, Assistant United States Attorney, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charles Jermaine Keitt appeals the district court's order denying his Fed. R. Crim. P. 36 motion. We have reviewed the record and find no reversible error. United States v. Keith, No. 5:07-cr-01020-MBS-1 (D.S.C. Jan. 11, 2010). Additionally, Keitt seeks to appeal the district court's order denying relief on his 18 U.S.C. § 3582(c)(2) (2006) motion. Keitt's notice of appeal as to the denial of his § 3582(c)(2) motion was untimely; however, the Government has not sought to invoke Fed. R. App. P. 4(b) against Keitt. Therefore, we may consider the district court's order denying Keitt's § 3582(c)(2) motion. United States v. Mitchell, 518 F.3d 740, 744 (10th Cir. 2008); see Bowles v. Russell, 551 U.S. 205, 208-13 (2007) (noting that appeal periods in criminal cases are not jurisdictional; rather, they are "claim-processing rules" adopted by the Supreme Court that do not affect this court's subject-matter jurisdiction). We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Keith, No. 5:07-cr-01020-MBS-1 (D.S.C. May 8, 2010). 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