

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-4533**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTHONY GRANT,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Charleston. Patrick Michael Duffy, Senior District Judge. (2:05-cr-00425-PMD-1)

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Submitted: February 2, 2012

Decided: February 21, 2012

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Before WILKINSON, GREGORY, and DIAZ, Circuit Judges.

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Dismissed in part, affirmed in part by unpublished per curiam opinion.

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Wallace H. Jordan, Jr., Florence, South Carolina, for Appellant.  
Peter Thomas Phillips, Assistant United States Attorney,  
Charleston, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Anthony Grant seeks to appeal his conviction and the 180-month sentence imposed after he pled guilty to a violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2), (c)(1) (2006). Additionally, he appeals the district court's denial of his post-conviction motion challenging the district court's jurisdiction. The Government seeks to dismiss the appeal as untimely. We dismiss the appeal of Grant's conviction and sentence and affirm the district court's denial of Grant's post-conviction motion.

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)(i).<sup>\*</sup> With or without a motion, upon showing 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 in Grant's case on December 8, 2005. Grant did not file a notice of appeal until 2011. Because Grant failed to file a timely notice of appeal or to obtain an extension of the

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<sup>\*</sup> Under the previous version of Fed. R. App. P. 4, in effect at the time of Grant's sentencing, the limitation period was ten days. Grant's appeal is untimely under both versions of the rule.

appeal period, and the Government has sought enforcement of the time limit for filing a notice of appeal, see United States v. Mitchell, 518 F.3d 740, 744 (10th Cir. 2008), we dismiss the appeal of Grant's conviction and sentence.

Our review of the record leads us to conclude that Grant timely filed a notice of appeal of the district court's order denying his post-conviction motion. We further conclude that the district court did not err in denying Grant's motion. We therefore affirm the April 28, 2011 order of the district court. 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