

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6019

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CALVIN ANGELO COWARD,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, District Judge. (CR-90-52-2-H)

Submitted: March 27, 2001

Decided: April 17, 2001

Before WILKINS, WILLIAMS, and MOTZ, Circuit Judges.

Affirmed on other grounds by unpublished per curiam opinion.

Calvin Angelo Coward, Appellant Pro Se. Jerri Ulrica Dunston, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Calvin Angelo Coward appeals from the district court's order denying his motion to file a belated notice of appeal in his criminal case. We have reviewed the district court's order and find no reversible error. Although the district court erroneously analyzed Coward's motion under Fed. R. App. P. 4(a) (addressing the appeal periods in civil cases), its ultimate conclusion that it lacked the authority to extend the appeal period was correct. See Fed. R. App. P. 4(b)(1), (4) (allowing the district court to extend the ten-day criminal appeal period by an additional thirty days). Accordingly, we affirm the district court's order on other grounds. See United States v. Coward, No. CR-90-52-4-H (E.D.N.C. Dec. 14, 2000). 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 ON OTHER GROUNDS