

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-4676

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

SHON EDWARD MEEKS, a/k/a Lashon Edward Meeks,
a/k/a Lashawn Edward Meeks, a/k/a Teddy,

Defendant - Appellant.

Appeal from the United States District Court for the Middle
District of North Carolina, at Durham. Frank W. Bullock, Jr.,
District Judge. (CR-04-466)

Submitted: August 30, 2006

Decided: October 11, 2006

Before WILLIAMS, KING, and GREGORY, Circuit Judges.

Remanded by unpublished per curiam opinion.

James D. Williams, Jr., Durham, North Carolina, for Appellant.
Sandra Jane Hairston, Assistant United States Attorney, Greensboro,
North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Shon Edward Meeks seeks to appeal his conviction and sentence. In criminal cases, the defendant must file the notice of appeal within ten 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); United States v. Reyes, 759 F.2d 351, 353 (4th Cir. 1985).

The district court entered judgment on May 27, 2005. Meeks filed the notice of appeal on June 23, 2005, after the ten-day period expired but within the thirty-day excusable neglect period. Because the notice of appeal was filed within the excusable neglect period, we remand the case to the district court for the limited purpose of permitting the court to determine whether Meeks has shown excusable neglect or good cause warranting an extension of the ten-day appeal period. The record, as supplemented, will then be returned to this court for further consideration.

REMANDED