UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-6053

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JONATHAN CORNISH,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Richard D. Bennett, Senior District Judge. (1:07-cr-00604-RDB-1)

Submitted: August 27, 2026 Decided: August 31, 2026

Before KING, HEYTENS, and BENJAMIN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Jonathan Cornish, Appellant Pro Se. David Christian Bornstein, Assistant United States Attorney, Baltimore, Maryland, Brandon Keith Moore, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, San Francisco, California, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In 2009, Jonathan Cornish was sentenced to 480 months' imprisonment for using and carrying a firearm during and in relation to a crime of violence, in violation of 18 U.S.C. § 924(c). In 2024, the district court denied Cornish's motion for compassionate release. Cornish then filed a motion to reduce his sentence. Before the district court had ruled on this motion, Cornish filed a notice of appeal, stating that he seeks review of his sentence based on his belief that it resulted from an incorrect application of the Sentencing Guidelines. On appeal, Cornish reiterates that he seeks review of his sentence and contends that it exceeds the applicable advisory Sentencing Guidelines range. He has filed a motion for summary disposition, asking this court to vacate his sentence and remand for resentencing, and a motion for suspension of informal briefing pending a ruling on his motion for summary disposition.

To the extent that Cornish seeks to appeal his original criminal judgment, we dismiss Cornish's appeal as untimely. In criminal cases where judgment was entered prior to December 1, 2009, the defendant must file the notice of appeal within 10 days after the entry of judgment. Fed. R. App. P. 4(b)(1)(A) (2009). With or without a motion, upon a showing of excusable neglect or good cause, the district court may grant an extension of up to 30 days to file a notice of appeal. Fed. R. App. P. 4(b)(4). Because the appeal period in a criminal case is not a jurisdictional provision, but rather a claim-processing rule, *United States v. Urutyan*, 564 F.3d 679, 685 (4th Cir. 2009), we generally decline to dismiss an untimely criminal appeal absent a motion from the Government, *United States v. Oliver*, 878 F.3d 120, 129 (4th Cir. 2017). However, when adjudicating an untimely

criminal appeal "would significantly implicate the efficiency and integrity of the judicial process," *id.* at 127, we may exercise our inherent authority to dismiss the appeal sua sponte, *id.* at 128-29.

The district court entered judgment on August 21, 2009, and the appeal period expired on August 31, 2009. Cornish filed the instant notice of appeal in January 2025. Because Cornish's appeal was filed over fifteen years after the appeal period expired and he has failed to obtain an extension of the appeal period, we conclude that this appeal presents one of the circumstances that warrants sua sponte dismissal. *See id.* Accordingly, we deny Cornish's motion for summary disposition and dismiss the appeal as untimely. We therefore deny as moot Cornish's motion for suspension of informal briefing.[*]

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED

[*] Even liberally construing Cornish's notice of appeal and informal brief, we discern no other final order, 28 U.S.C. § 1291, or immediately appealable interlocutory or collateral order, 28 U.S.C. § 1292; Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-46 (1949), in the record from which Cornish could be properly and timely appealing.