

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 25-7065**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

REGINALD ANTONIO TWITTY,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Greenville. Timothy M. Cain, Chief District Judge. (6:19-cr-00898-TMC-1)

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Submitted: May 21, 2026

Decided: May 27, 2026

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Before AGEE and THACKER, Circuit Judges, and TRAXLER, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Reginald Antonio Twitty, Appellant Pro Se. Leesa Washington, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Greenville, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Reginald Antonio Twitty appeals the district court's orders denying his Fed. R. Crim. P. 33 motion for a new trial and denying reconsideration. We review for abuse of discretion a district court's denial of a motion for a new trial. *United States v. Parker*, 790 F.3d 550, 558 (4th Cir. 2015). Rule 33 requires that a new trial motion based on newly discovered evidence be filed within three years after the verdict or finding of guilty or within 14 days if based on any other reason. *See* Fed. R. Crim. P. 33(b). Accordingly, we discern no reversible error in the district court finding that Twitty's September 2025 motion filed more than three years after his April 2022 guilty plea was untimely. Although the district court mistakenly indicated that an untimely motion under Rule 33 deprived it of jurisdiction, *see Rice v. Rivera*, 617 F.3d 802, 809 (4th Cir. 2010) (noting that the Supreme Court has concluded "that Rule 33 is a nonjurisdictional claim-processing rule" and signaled "its implicit approval of a district court's jurisdiction to entertain an untimely Rule 33 motion"), Twitty has failed to present any circumstances suggesting that his filing was delayed by "excusable neglect." Fed. R. Crim. P. 45(b)(1)(B). Moreover, Twitty's various filings did not plausibly proffer any newly discovered evidence that would otherwise support such a motion.

We therefore affirm the district court's orders. *United States v. Twitty*, No. 6:19-cr-00898-TMC-1 (D.S.C. Oct. 9, 2025; Nov. 20, 2025). 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.

*AFFIRMED*