

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7013

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVID LEE HILL, a/k/a Bo,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Albert V. Bryan, Jr., Senior District Judge. (1:96-cr-00370-2)

Submitted: September 16, 2008

Decided: September 23, 2008

Before MOTZ, TRAXLER, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

David Lee Hill, Appellant Pro Se. Leslie Bonner McClendon, Assistant United States Attorney, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Lee Hill seeks to appeal the district court's order reducing his sentence from 260 months' imprisonment to 210 months' imprisonment under 18 U.S.C.A. § 3582 (West 2000 & Supp. 2008). 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); see United States v. Alvarez, 210 F.3d 309, 310 (5th Cir. 2000) (holding that § 3582 proceeding is criminal in nature and ten-day appeal period applies). 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 its order on April 18, 2008. The notice of appeal was filed on June 9, 2008. Because Hill failed to file a timely notice of appeal or to obtain an extension of the appeal period, we deny leave to proceed in forma pauperis and dismiss the appeal. 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