

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-6239

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ARISTIDES DIAZ DIAZ,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at
Alexandria. Leonie M. Brinkema, District Judge. (1:14-cr-00135-LMB-7)

Submitted: June 27, 2025

Decided: July 30, 2025

Before AGEE and RICHARDSON, Circuit Judges, and KEENAN, Senior Circuit Judge.

Vacated and remanded by unpublished per curiam opinion.

Aristides Diaz Diaz, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Aristides Diaz Diaz appeals the district court's order construing his letter as a request for an extension of time to appeal and sua sponte denying that request pursuant to Fed. R. App. P. 4(b). *See United States v. Diaz*, No. 1:14-cr-00135-LMB-7 (E.D. Va. Feb. 21, 2024). We have reviewed the record and conclude that the district court erred by construing the letter as an extension request and invoking Rule 4(b) sua sponte. Therefore, we vacate the district court's order and remand for the district court to file the letter as a notice of appeal and transmit it to this court. We express no opinion as to the timeliness of the notice of appeal that is to be transmitted to this court. 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.

VACATED AND REMANDED