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## UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

Lewis F. Powell, Jr. United States Courthouse Annex

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Patricia S. Connor  
Clerk

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September 8, 2006

Clerk, US D/Ct  
Middle District of North Carolina at Greensboro  
Suite 400  
U. S. Courthouse  
324 West Market Street  
P. O. Box 2708  
Greensboro, NC 27401Re: 06-6801 US v. Martin  
6:93-cr-00122-FWB-1

Dear Clerk:

Enclosed is an opinion of this Court remanding the case for limited purpose. The record on appeal is being returned for the district court's use. Please return the record, as supplemented, to this Court after completing the determination on remand.

Yours truly,

PATRICIA S. CONNOR  
Clerk/s/ Sarah A. Carmichael  
By: \_\_\_\_\_  
Deputy Clerkcc: John Warren Stone Jr.  
Domaine Martin

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-6801**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DOMAINE MARTIN,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Winston-Salem. Frank W. Bullock, Jr., Senior District Judge. (6:93-cr-00122-FWB-1)

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Submitted: August 31, 2006

Decided: September 8, 2006

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Before MICHAEL, MOTZ, and GREGORY, Circuit Judges.

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Remanded by unpublished per curiam opinion.

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Domaine Martin, Appellant Pro Se. John Warren Stone, Jr., Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Domaine Martin appeals the district court's order denying his motion for reduction of sentence under 18 U.S.C. § 3585(b) (2000). In criminal cases, a defendant must file his notice of appeal within ten days of the entry of judgment. Fed. R. App. P. 4(b)(1)(A). The district court, with or without a motion, may grant an extension of time to file a notice of appeal of up to thirty days upon a showing of excusable neglect or good cause. 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 March 29, 2006; the ten-day appeal period expired on April 12, 2006. Martin filed a notice of appeal after the ten-day appeal 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 court to determine whether Martin 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. We deny Martin's motion for a certificate of appealability as unnecessary.

REMANDED