

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 10-11756  
Non-Argument Calendar

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FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JANUARY 6, 2011 JOHN LEY CLERK
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D.C. Docket No. 8:01-cr-00180-EAK-2

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALEC V. MATHEWS,  
a.k.a. Alex Matthews,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Middle District of Florida

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(January 6, 2011)

Before TJOFLAT, BARKETT and FAY, Circuit Judges.

PER CURIAM:

Alec Mathews, a federal prisoner acting pro se, appeals from the denial of

his motion to file a second direct appeal out of time. Although we previously affirmed Mathews' drug and firearm convictions on direct appeal in 2003, he now argues that he should be permitted to file a second direct appeal out of time, because the district court failed to notify him that it had denied his motion—filed after trial but before sentencing—to obtain an expert evaluation of a videotape introduced by the government at his trial. However, Mathews' argument fails because the record establishes that he did in fact receive actual notice of the district court's denial of his motion, as he expressly acknowledged the denial at his sentencing hearing. Accordingly, we affirm.

**AFFIRMED.**