

[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 24-13577

Non-Argument Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

*versus*

DEMOND LEVAIL OSLEY,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Florida  
D.C. Docket No. 1:06-cr-20734-AMC-1

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Before NEWSOM, GRANT, and BRASHER, Circuit Judges.

PER CURIAM:

Demond Osley, proceeding *pro se*, appeals from the district court's February 6, 2024, order denying his 18 U.S.C. § 3582(c)(2) motion for sentence reduction. The government moves to dismiss this appeal as untimely.

We GRANT the government's motion to dismiss and DISMISS this appeal as untimely. *See United States v. Lopez*, 562 F.3d 1309, 1313-14 (11th Cir. 2009) (holding that timeliness in a criminal case is not jurisdictional but must be enforced if the government raises it). Osley had until February 20, 2024, to file a notice of appeal, but his notice is deemed filed on October 16, 2024, under the prison mailbox rule, so it is untimely. *See Fed. R. App. P. 4(b)(1)(A)(i), (c)(1); Jeffries v. United States*, 748 F.3d 1310, 1314 (11th Cir. 2014); *United States v. Fair*, 326 F.3d 1317, 1318 (11th Cir. 2003) (stating that a § 3582 motion is criminal in nature). Osley is not entitled to relief under Rule 4(b)(4), the only rule that permits an extension of the appeal period in a criminal case, because he filed his notice of appeal more than 30 days after the appeal period expired. *See Fed. R. App. P. 4(b)(4)*.