

NOT FOR PUBLICATION

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 25-11981  
Non-Argument Calendar

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UNITED STATES OF AMERICA,

*Plaintiff-Appellee,*

*versus*

KELVIN BOLTON,

*Defendant-Appellant.*

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Appeal from the United States District Court  
for the Northern District of Georgia  
D.C. Docket No. 1:22-cr-00091-SCJ-LTW-1

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Before ABUDU, TJOFLAT, and ANDERSON, Circuit Judges.

## PER CURIAM:

Kevin Bolton appeals his convictions and sentence of 296 months' imprisonment for conspiracy to possess with intent to distribute cocaine and cocaine base, possession of a firearm by a convicted felon, and conspiracy to launder money.

After filing his notice of appeal, Bolton moved the District Court under 28 U.S.C. § 2255 to vacate or set aside his sentence. In his motion, Bolton alleged ineffective assistance of counsel—asserting that his attorney had failed to appeal his convictions and sentence as requested.

The District Court dismissed Bolton's motion without prejudice as premature because of the appeal pending in this Court. *See United States v. Khoury*, 901 F.2d 975, 976 (11th Cir. 1990) (“The general rule is that a defendant may not seek collateral relief while his direct appeal is pending.”).

Through appointed counsel, Bolton conceded that his appeal was untimely and argued that any claims should be presented in a post-conviction habeas corpus petition. In turn, the government argued that it had not moved to dismiss Bolton's appeal as untimely and declined to do so.

Because the government did not move to dismiss his appeal as untimely, Bolton was permitted to appeal his convictions and sentence. However, Bolton does not raise any challenges to his convictions or sentence on appeal, and, thus, abandons any claim of reversible error.

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Opinion of the Court

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Therefore, we affirm Bolton's convictions and sentence. Once the mandate in this appeal issues, Bolton will be free to file a new § 2255 motion in the District Court.

**AFFIRMED.**