

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-2058

United States of America,

Appellee,

v.

Sylvester Pulliam,

Appellant.

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Appeal from the United States
District Court for the Eastern
District of Missouri.

[UNPUBLISHED]

Submitted: November 6, 2003

Filed: November 12, 2003

Before WOLLMAN, FAGG, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

Sylvester Pulliam appeals following the district court's* denial of Pulliam's motion to dismiss his two-count indictment for distributing cocaine base in violation of 21 U.S.C. § 841(a)(1), contending the district court erroneously declined to construe his motion as a notice of appeal under 18 U.S.C. § 3742(a). The district court did not commit error because Pulliam filed his motion two years after he was sentenced, which was too late for the timely filing of a notice of appeal. See Fed. R.

*The Honorable E. Richard Webber, United States District Judge for the Eastern District of Missouri.

App. P. 4(b)(1)(a)(i); United States v. Auman, 8 F.3d 1268, 1271 (8th Cir. 1993)
(district court does not have authority under § 3742 to review final sentence).

Accordingly, we affirm. See 8th Cir. R. 47B.
