

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 00-2559

United States of America,	*	
	*	
Appellee,	*	
	*	Appeal from the United States
v.	*	District Court for the
	*	Western District of Missouri.
Frank R. Peerman, also known as	*	
Barron Richard Hynes,	*	[UNPUBLISHED]
	*	
Appellant.	*	

Submitted: September 7, 2000
Filed: October 10, 2000

Before RICHARD S. ARNOLD, HANSEN, and BYE, Circuit Judges.

PER CURIAM.

Frank Peerman appeals from the district court's¹ denial of reconsideration of his February 23, 1999 sentence-modification motion. We conclude that this ruling was correct because the sentence-modification motion--whether construed as an attempt to pursue a direct appeal from Peerman's September 12, 1997 resentencing, or as a 28 U.S.C. § 2255 motion--was untimely. See Fed. R. App. P. 4(b)(1)(A)(i) (10-day time limit); 28 U.S.C. § 2255 (1-year time limit).

¹The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.

Accordingly, we affirm the judgment of the district court. See 8th Cir. R. 47A(a).

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.