

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

No. 99-2488

United States of America,

Appellee,

v.

William Edward Simmons,

Appellant.

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Appeal from the United States
District Court for the
Southern District of Iowa.

[UNPUBLISHED]

Submitted: December 17, 1999

Filed: January 10, 2000

Before McMILLIAN, HANSEN, and MORRIS SHEPPARD ARNOLD, Circuit
Judges.

PER CURIAM.

Having been convicted of conspiring to distribute cocaine base, William Edward Simmons filed his notice of appeal twenty days after judgment was entered in the district court. Although Simmons' notice of appeal is untimely, see Fed. R. App. P. 4(b)(1)(A)(i), we remand the case to the district court to determine whether the time for filing a notice of appeal should be extended under Fed. R. App. P. 4(b)(4). See United States v. Petty, 82 F.3d 809, 810 (8th Cir. 1996) (per curiam).

A true copy.

Attest:

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