

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

No. 01-1642

United States of America,

Appellee,

v.

Sergio Hernandez-Arellano,

Appellant.

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Appeal from the United States
District Court for the Western
District of Arkansas.

[UNPUBLISHED]

Submitted: August 28, 2001

Filed: August 31, 2001

Before WOLLMAN, Chief Judge, RICHARD S. ARNOLD, and BYE, Circuit Judges.

PER CURIAM.

After he was sentenced upon his conviction of illegal reentry following deportation for an aggravated felony, Sergio Hernandez-Arellano filed his notice of appeal twenty-one days after judgment was entered in the district court.¹ Although Hernandez-Arellano's 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 Federal Rule of Appellate Procedure 4(b)(4). See

¹The Honorable Jimm Larry Hendren, Chief Judge, United States District Court for the Western District of Arkansas.

United States v. Austin, 217 F.3d 595, 597 (8th Cir. 2000); 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.