

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-3742

United States of America,

Appellee,

v.

Douglas A. Packett, also known as
Peckerwood,

Appellant.

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Appeal from the United States
District Court for the
District of Nebraska.

[UNPUBLISHED]

Submitted: April 7, 2005
Filed: April 14, 2005

Before BYE, RILEY, and COLLOTON, Circuit Judges.

PER CURIAM.

Douglas Packett (Packett) challenges the sentence imposed by the district court after Packett pled guilty to charges of (1) conspiring to distribute cocaine base and methamphetamine, and (2) possessing a firearm in connection with that offense. Judgment was entered on September 16, 2004, but Packett's notice of appeal was not filed until November 8, 2004. See Fed. R. App. P. 4(b)(1)(A)(i) (requiring criminal defendant to file notice of appeal within 10 days of entry of judgment). Although Packett filed a motion for an extension of time in which to file his notice of appeal, which the district court granted, the motion was filed more than 30 days after the 10-day appeal period expired. Cf. Fed. R. App. P. 4(b)(4) ("Upon a finding of excusable

neglect or good cause, the district court may . . . extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by [] Rule 4(b).”). Because the district court’s authority to extend the time to file the notice of appeal ended before November 8, Packett’s notice of appeal is untimely. Id. United States v. Carter, 990 F.2d 402, 403 (8th Cir. 1993) (per curiam).

Because Packett’s notice of appeal was untimely filed, we dismiss the appeal for lack of jurisdiction.
