

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

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No. 07-1055

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United States of America,

Appellee,

v.

William Glenn Kimbrell,

Appellant.

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\* Appeal from the United States  
\* District Court for the Eastern  
\* District of Missouri.  
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\* [UNPUBLISHED]  
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Submitted: December 13, 2007

Filed: December 19, 2007

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Before WOLLMAN, COLLOTON, and BENTON, Circuit Judges.

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PER CURIAM.

William Glenn Kimbrell seeks to appeal the sentence the district court<sup>1</sup> imposed after he pleaded guilty to a drug offense. His counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967).

Kimbrell's notice of appeal was untimely filed twenty-nine days after judgment was entered. See Fed. R. App. P. 4(b)(1)(A)(i). An accompanying motion, however, requested leave to file the notice of appeal pursuant to Federal Rule of Appellate

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<sup>1</sup>The Honorable Carol E. Jackson, Chief Judge, United States District Court for the Eastern District of Missouri.

Procedure 4(b)(4), which authorizes the district court, “before or after the time has expired, with or without motion and notice,” to extend the appeal period for up to 30 days “[u]pon a finding of excusable neglect or good cause.” Accordingly, we remand the case to the district court to rule on the Rule 4(b)(4) motion. See United States v. Petty, 82 F.3d 809, 810 (8th Cir. 1996) (per curiam). The district court should return the case to this court after the pending motion is resolved.

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