

**United States Court of Appeals
For the First Circuit**

No. 01-1323

UNITED STATES,
Appellee,

V.

ALFRED W. TRENKLER,
Defendant-Appellant.

**Order Of The Court
Entered: March 14, 2001**

Upon review of the record in this case, it appears that this court may not have jurisdiction to consider this appeal. The defendant-appellant's notice of appeal, filed on February 20, 2001 in CR. No. 92-10369 (D. Mass.), from an order that entered on December 28, 2000, is late. Fed. R. App. P. 4(b) (notice of appeal in criminal case must be filed within ten days of the judgment or order appealed from). While the district court enlarged the time to file the notice of appeal by its February 22, 2001 endorsed order, the Fed. R. App. P. (4)(b)(4) only permits the district court to extend the time for filing a notice of appeal for 30 days after the expiration of the original 10 day period. U.S. v. Joselyn, 206 F.3d 144, 150 (1st Cir. 2000). The maximum time in which to file a timely notice of appeal, or forty days from entry of the order, expired on February 7, 2001.

Accordingly, it is hereby ordered that defendant-appellant either move for voluntary dismissal under Fed. R. App. P. 42(b) or show cause, in writing why this appeal should not be dismissed. The failure to take either action by **March 28, 2001**, may lead to dismissal of the appeal for failure to prosecute.

By the Court:
Phoebe Morse, Clerk

By JANICE M. O'NEIL
Chief Deputy Clerk

[cc: Messrs. Golding, Sultan, Rankin, McGrath and Chaitowitz]