

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

July 16, 2018

Before

Michael S. Kanne, *Circuit Judge*

Amy C. Barrett, *Circuit Judge*

Amy J. St. Eve, *Circuit Judge*

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

No. 17-2436 v.

TIMOTHY EDWARDS,
Defendant-Appellant.

] Appeal from the United
] States District Court for
] the Southern District of
] Illinois.

] No. 3:14-cr-30173-DRH-3

] David R. Herndon,
] Judge.

ORDER

This matter comes before the court on review of the short record and the papers filed in this appeal. In its Motion to Dismiss filed on February 27, 2018, appellee United States stands on its rights and invokes the time limits of Rule 4(b) of the Federal Rules of Appellate Procedure. The court, therefore, must enforce Rule 4(b)'s time limits. *See United States v. Rollins*, 607 F.3d 500, 501 (7th Cir. 2010). Accordingly,

IT IS ORDERED that this appeal is **DISMISSED** because it is untimely.

Rule 4(b) of the Federal Rules of Appellate Procedure requires that a notice of appeal in a criminal case be filed in the district court within 14 days of the entry of the judgment or order appealed. In this case judgment was entered on April 11, 2017, and

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the notice of appeal was mailed on July 17, 2017, nearly three months late. The district court has not granted an extension of the appeal period, *see* Rule 4(b), and this court is not empowered to do so, *see* Fed. R. App. P. 26(b). The July 6, 2017, order extinguishing all third party interests in the forfeited property that was part of Defendant Timothy Edwards' judgment did not restart the time for Timothy Edwards to appeal the forfeiture as to him.

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

August 15, 2018

Before

MICHAEL S. KANNE, *Circuit Judge*

AMY C. BARRETT, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

No. 17-2436

UNITED STATES OF AMERICA

Plaintiff-Appellee,

v.

TIMOTHY EDWARDS

Defendant-Appellant.

Appeal from the United States
District Court for the
Southern District of Illinois

No. 3:14-CR-30173-DRH-3

David R. Herndon,
Judge.

ORDER

Defendant-Appellant filed a motion construed as a petition for rehearing on August 1, 2018. On consideration of the petition for rehearing, all of the judges on the original panel have voted to deny rehearing. It is therefore ordered that the petition for rehearing is DENIED.

**Additional material
from this filing is
available in the
Clerk's Office.**