

21-2

APPENDIX A

The following is the opinion
of the United States Court of Appeals

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-12470-HH

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DONALD WILLEMS,

Defendant-Appellant.

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

Before: WILSON, JORDAN and GRANT, Circuit Judges.

BY THE COURT:

The government's motion to dismiss this appeal as untimely is GRANTED. Donald Willems's notice of appeal, deemed filed on June 8, 2018, is untimely to seek review of the district court's July 17, 2017 amended judgment. *See* Fed. R. App. P. 4(b)(1); *United States v. Glover*, 686 F.3d 1203, 1205 (11th Cir. 2012). Mr. Willems's notice of appeal was also filed outside the time within which he could have moved for an extension under Rule 4(b)(4). *See* Fed. R. App. P. 4(b)(4). Therefore, since the government has moved to dismiss the appeal as untimely, we will apply the time limits of Rule 4(b) and grant the motion to dismiss. *United States v. Lopez*, 562 F.3d 1309, 1312-14 (11th Cir. 2009). Any other pending motions are DENIED AS MOOT.

APPENDIX B

The following is the opinion and
Order of the United States District Court

DEFENDANT: **DONALD WILLEMS**CASE NUMBER: **17-80013-CR-MIDDLEBROOKS****IMPRISONMENT**

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of : **ONE HUNDRED TWENTY (120) MONTHS as to Count One.**

☒ The court makes the following recommendations to the Bureau of Prisons:

1. **The Defendant participate in the 500 hour drug treatment (RDAP) program while in custody.**
2. **The Defendant be designated to a facility in or as close to South Florida as possible.**

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

DEPUTY UNITED STATES MARSHAL

APPENDIX C

The following document is the denial by
the United States Court of Appeals
of my petition for rehearing

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-12470-HH

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DONALD WILLEMS,

Defendant-Appellant.

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

Before: WILSON, JORDAN, and GRANT, Circuit Judges.

BY THE COURT:

Donald Willems's petition for rehearing *en banc*, which we construe as a motion for reconsideration of our January 25, 2019 order dismissing this appeal, is DENIED.

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