

APPENDIX

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IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 19-11220-H

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PERCY JONES,

Defendant-Appellant.

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

Before: MARCUS, BRANCH and GRANT, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED as untimely. Percy Jones's letter to the district court is properly construed as a notice of appeal because it is the functional equivalent of one and the overriding intent to appeal is clear. *See Fed. R. App. P. 3(c)(1); Rinaldo v. Corbett*, 256 F.3d 1276, 1278-80 (11th Cir. 2001); *United States v. Ward*, 696 F.2d 1315, 1318 (11th Cir. 1983); *see also Becker v. Montgomery*, 532 U.S. 757, 767 (2001). However, his construed notice of appeal, dated and deemed filed on March 28, 2019, is untimely to appeal from the district court's December 20, 2018 final judgment. *See Fed. R. App. P. 4(b)(1)(A), (c); see also Fed. R. App. P. 4(c)(1); Daniels v. United States*, 809 F.3d 588, 589 (11th Cir. 2015). Because the government

has raised the issue of timeliness, “we must apply the time limits of Rule 4(b).” *United States v. Lopez*, 562 F.3d 1309, 1313-14 (11th Cir. 2009).

Any outstanding motions are DENIED as moot.

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

Before: MARCUS, BRANCH, and GRANT, Circuit Judges.

BY THE COURT:

Percy Jones's July 30, 2019 motion for reconsideration of our July 17, 2019 order
dismissing this appeal as untimely is DENIED.