

**APPENDIX A**

UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

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No: 22-3076

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United States of America

Plaintiff - Appellee

v.

Darrell Smith

Interested party - Appellant

Energae, LP, also known as Black Lion Energae Fund, LP, also known as Black Lion Energae, LP, also known as Algae Energae, LP; I-Lenders, LLC, also known as Interested Investors, LLC

Defendants

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Appeal from U.S. District Court for the Northern District of Iowa - Eastern  
(6:20-cr-02007-LTS-1)  
(6:20-cr-02007-LTS-2)

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**JUDGMENT**

Before ERICKSON, MELLOY, and STRAS, Circuit Judges.

Appellant, a corporation, was granted until February 21, 2023, to obtain the services of an attorney in this criminal appeal. No attorney has entered an appearance on appellant's behalf and the deadline to do so has expired. Accordingly, the appeal is dismissed for failure to prosecute.

Mandate shall issue forthwith.

April 20, 2023

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans

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Appellant

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ORDER

The motion to appoint an attorney in this case is denied. The Court has no authority to appoint an attorney for a corporation in a criminal appeal. The appellant is also advised that a corporation may not appear on appeal unless it appears through counsel, Rowland v. California Men's Colony, 113 S.Ct. 716, 719 (1993). The appeal is stayed to allow the appellant to obtain the services of an attorney. If an attorney has not entered an appearance for the appellant on or before January 20, 2023, the appeal will be dismissed without further notice. Since the brief which has recently been filed in this case has not been signed by an attorney on behalf of the corporation, the brief is stricken from the record.

November 23, 2022

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