

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CRIMINAL ACTION
v.)	
)	No. 94-20075-01-KHV
NEWTON BEY,)	
)	
Defendant.)	
_____)	

ORDER

On May 20, 2005, the Tenth Circuit remanded this matter for this Court to determine whether defendant's failure to timely file an appeal was based on excusable neglect or good cause. See Order (Doc. #356). On June 6, 2005, the Court gave defendant until June 24, 2005 to file a brief on the issue. See Order (Doc. #357). To date, defendant has not filed a brief. The Court therefore finds that defendant has not shown that his failure to timely file an appeal of the Court's order filed March 11, 2005 was based on excusable neglect or good cause. Accordingly, the Court declines to extend the deadline to appeal under Rule 4(b)(4), Fed. R. App. P. The Clerk is directed to forward a copy of this order and the Court's order of June 6, 2005 to the Tenth Circuit Court of Appeals.

IT IS SO ORDERED.

Dated this 29th day of July, 2005 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge