IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

)

UNITED STATES OF AMERICA, Plaintiff, v. KEVIN L. MARTIN, Defendant.

CRIMINAL ACTION

No. 06-20031-01-CM

ORDER

The Tenth Circuit partially remanded this case on May 16, 2007 to permit defendant Martin to file a motion demonstrating that his failure to comply with the filing requirements of Rule 4(b)(1)(A)(i) was based on excusable neglect or good cause. After defendant Martin failed to file such motion by June 14, 2007, this court ordered him to file a motion in accordance with the Tenth Circuit's remand on or before June 29, 2007. Again, defendant Martin failed to do so.

The docket sheet indicates that this court's June 14 order was returned as undeliverable on June 25, 2007. Although the court resent the order the same day, it is possible that defendant Martin did not receive the order in order to respond in a timely manner. The court therefore gives defendant Martin one final opportunity. If defendant Martin still seeks to appeal the disposition of his case, he should file a motion requesting leave to file a late appeal and demonstrating excusable neglect or good cause for filing a late appeal **on or before July 25, 2007**. If defendant Martin fails to do so, the court will advise the Tenth Circuit that defendant failed to demonstrate excusable neglect or good cause.

Dated this 13th day of July 2007, at Kansas City, Kansas.

<u>s/ Carlos Murguia</u> CARLOS MURGUIA United States District Judge