

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 12-40117-01-JAR
)	
ADRIAN L. NASH,)	
)	
Defendant.)	
_____)	

ORDER

This matter is before the Court on Defendant’s Motion to File Notice of Appeal out of Time (Doc. 80). Defendant seeks, under Federal Rule of Appellate Procedure 4(b)(4), to extend the deadline for Defendant to file a notice of appeal by 30 days. Rule 4(b)(4) states:

Upon a finding of excusable neglect or good cause, the district court may--before or after the time has expired, with or without motion and notice--extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b).

The Court finds that Defendant attempted to ask his counsel to file a notice of appeal but was unable to do so before the deadline, and the Court deems this excusable neglect. Therefore, the Court grants Defendant’s motion for an extension of time to file a notice of appeal.

IT IS SO ORDERED..

Dated: August 24, 2013

S/ Julie A. Robinson
JULIE A. ROBINSON
UNITED STATES DISTRICT JUDGE