

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:13-cr-00030-SEB-TAB-1
)	
ANDRE WHITE,)	
)	
Defendant.)	
)	

E N T R Y

The defendant was sentenced on April 22, 2014. The written Judgment was entered on the clerk’s docket on May 9, 2014. The clerk has received and filed two documents following the entry of Judgment: 1) a motion for extension of time to file a notice of appeal; and 2) a notice of appeal. These documents though dated June 4, 2014, were not filed with the clerk until June 25, 2014.

In a criminal case, a defendant generally has 14 days after the entry of judgment in which to file his notice of appeal. Rule 4(b)(4) of the *Federal Rules of Appellate Procedure*, however, allows a district court to extend the time for filing a notice of appeal up to 30 days upon a showing of “excusable neglect or good cause.” In determining whether such a showing has been made, a district court is to consider all the circumstances, including the reason for and the length and impact of the delay, the danger of prejudice to the nonmoving party, and whether the party responsible for the delay acted in good faith. *See Marquez v. Mineta*, 424 F.3d 539, 541 (7th Cir. 2005); *U.S. v. Brown*, 133 F.3d 993, 996 (7th Cir. 1998).

Here, the court finds such excusable neglect based on the fact that White was in transit within the Bureau of Prisons during the first several weeks following his sentencing and the docketing of the Judgment.

The motion for extension of time in which to file a notice of appeal [dkt. 56] is **granted**.

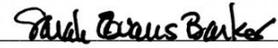
The clerk is instructed to treat the notice of appeal (dkt. 57) as timely filed.

IT IS SO ORDERED.

Date: 07/07/2014

Distribution:

Andre White, #11289-028
USP-TH
FCI
4200 Bureau Road North
Terre Haute, Indiana 47808



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

All Electronically Registered Counsel

Note to Clerk: Processing this document requires actions in addition to docketing and distribution.