

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

May 5, 2015

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUDI BUFKIN,

Defendant - Appellant.

No. 15-8008
(D.C. No. 2:14-CR-00067-ABJ-1)
(D. Wyo.)

ORDER

Before **MATHESON, BACHARACH, and PHILLIPS**, Circuit Judges.

This matter is before the court on the government's motion to dismiss this appeal because the notice of appeal is untimely. The defendant did not file a response nor did she file a response to this court's order mandating that she file a memorandum brief addressing the timeliness issue.

The judgment was entered on October 2, 2014, and the notice of appeal was filed more than five months later on March 6, 2015.

In a criminal appeal, the defendant's notice of appeal is to be filed within 14 days of entry of judgment. *See* Fed. R. App. P. 4(b)(1)(A). This rule is an "inflexible claim-processing rule[], which unlike a jurisdictional rule, may be forfeited if not properly raised by the government." *United States v. Garduno*, 506 F.3d 1287, 1291 (10th Cir. 2007) (internal quotation omitted).

However, “[b]ecause the government timely objected to [the defendant’s] late notice of appeal, this court is bound to dismiss the appeal.” *Id.* at 1292.

The government’s motion to dismiss is **GRANTED**. This appeal is **DISMISSED**.
A copy of this order shall stand as and for the mandate of the court.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

by: Ellen Rich Reiter
Jurisdictional Attorney