

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

12-cr-62-bbc

v.

EMETERIO VELASQUEZ,

Defendant.

On March 20, 2014, defendant Emeterio Velasquez filed a notice of appeal and motion for an extension of time to file an appeal from his October 1, 2013 judgment and conviction. On the same day, the clerk of court certified and transmitted the record to the court of appeals. In an order entered on March 25, 2014, I denied defendant's motion because he had failed to file a timely motion for an extension of time under Fed. R. App. P. 4(b)(4).

Now defendant has filed a motion to withdraw his motion for an extension of time to file his notice of appeal. Unfortunately for defendant, his motion comes too late. Although I denied defendant's motion for an extension of time in the March 25, 2014 order,

the record was still transmitted to the court of appeals because timeliness of an appeal is an issue for the court of appeals to decide. Defendant can ask the court of appeals to allow him to withdraw his notice of appeal if he wishes.

ORDER

IT IS ORDERED that defendant Emeterio Velasquez's motion to withdraw his motion for an extension of time is DENIED.

Entered this 16th day of April, 2014.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge