

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 07-2856

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| United States,      | *                                |
|                     | *                                |
| Appellee,           | * Appeal from the United States  |
|                     | * District Court for the Eastern |
| v.                  | * District of Missouri.          |
|                     | *                                |
| Antoine Echols Sr., | * [UNPUBLISHED]                  |
|                     | *                                |
| Appellant.          | *                                |

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Submitted: October 19, 2007  
Filed: October 25, 2007

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Before **BYE, HANSEN, and BENTON**, Circuit Judges.

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PER CURIAM.

Antoine Echols has filed an untimely notice of appeal (NOA) from the district court's<sup>1</sup> June 25, 2007 denial of his 18 U.S.C. § 3583(e)(1) motion for early termination of his supervised release. Echols filed his NOA within forty days of entry of the June 25 order, however, and thus we remand to the district court to determine whether Echols's failure to file a timely NOA was due to excusable neglect, and if so, whether the time for filing his NOA should be extended. See Fed. R. App. P. 4(b)(4); United States v. Petty, 82 F.3d 809, 810 (8th Cir. 1996) (per curiam).

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<sup>1</sup>The Honorable Stephen N. Limbaugh, United States District Judge for the Eastern District of Missouri.