

United States Court of Appeals
For the Eighth Circuit

No. 14-1506

United States of America

Plaintiff - Appellee

v.

Dale A. Moncrieffe; Garfield Kirk Atkins

Defendants

Tariq Liyuen Adevemi Belt

Movant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Des Moines

Submitted: October 17, 2014

Filed: October 22, 2014

[Unpublished]

Before SMITH, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

Federal prisoner Tariq Belt appeals from the order of the District Court denying his motion claiming ownership of currency that had been forfeited years earlier in relation to criminal proceedings against a third person. We dismiss the appeal for lack of jurisdiction.

The order denying Belt's claim was entered on March 26, 2013. In December 2013, Belt sent a letter to the Chief Judge for the Southern District of Iowa asking about his claim. The Chief Judge wrote back, notifying Belt of the March 26 order. Belt acknowledged receipt of the Chief Judge's reply in correspondence postmarked December 19. Some weeks later, on February 12, 2014, Belt moved to reopen the time to appeal; his filing indicated in various places that he mailed it on January 14 or 15, 2014. The District Court granted the motion to reopen and filed Belt's notice of appeal on February 14, 2014.

Belt's motion to reopen the time to appeal, however, was untimely under the dictates of Rule 4(a)(6) of the Federal Rules of Appellate Procedure (stating that a motion to reopen the time to file an appeal must be filed within 180 days of the entry of the order being appealed or within 14 days after the movant receives notice of the entry, whichever is earlier). See Kocher v. Dow Chem. Co., 132 F.3d 1225, 1229 (8th Cir. 1997) (explaining that a motion to reopen the time to appeal for lack of notice must be filed within the time specified by Rule 4(a)(6)). The District Court therefore lacked authority to rule on the motion. See Nunley v. City of Los Angeles, 52 F.3d 792, 794–95 (9th Cir. 1995) (noting that a district court has no authority to consider a motion filed outside the time limits of Rule 4(a)(6)).

Accordingly, we dismiss this appeal for lack of jurisdiction.
