

March 4, 2009

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MAKONNEN MILES,

Defendant - Appellant.

No. 08-3289

(D.C. No. 6:97-CR-10068-MLB-3)

(D. Kansas)

ORDER

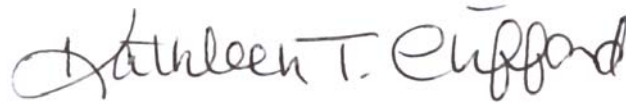
In a November 24, 2008 Show Cause Order, Appellant-Defendant Makonnen Miles was ordered to file within 21 days, *i.e.* by December 15, 2008, a jurisdictional brief specifically addressing two appellate jurisdictional issues pertaining to timeliness of his notice of appeal. Appellant-Defendant did not respond. In January 13, 2009 Order, Appellant-Defendant was ordered to file by January 27, 2009 a jurisdictional brief in response to the court's show cause order. Again, Appellant-Defendant did not respond.

Then, in a February 5, 2009 Order, Appellant-Defendant Miles was directed to file a jurisdictional brief by February 19, 2009 and was advised that failure to respond might result in dismissal of his appeal without further notice. Appellant-Defendant failed to respond.

Accordingly, this appeal is **DISMISSED** for failure to prosecute. *See* 10th Cir. R.

42.1. The mandate shall issue forthwith.

Entered for the Court
Elisabeth A. Shumaker, Clerk

A handwritten signature in dark ink, reading "Kathleen T. Clifford". The signature is written in a cursive, flowing style with a large initial 'K'.

Kathleen T. Clifford
Attorney - Deputy Clerk