

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

April 14, 2025

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DYJERRIN DIZALE EARL GOLDMAN,
SR.,

Defendant - Appellant.

No. 25-2039
(D.C. No. 2:22-CR-01456-MIS-1)
(D. N.M.)

ORDER

Before **McHUGH, EID**, and **CARSON**, Circuit Judges.

Appellant Dyjerrin Dizale Earl Goldman, Sr. seeks to appeal the district court's final judgment entered in his criminal case on March 22, 2023. Mr. Goldman did not, however, file his notice of appeal until April 8, 2025. Upon consideration, the court dismisses Mr. Goldman's appeal as untimely for the reasons discussed below.

In a criminal case, a defendant must file a notice of appeal within 14 days after the district court enters the judgment or order he intends to appeal. *See* Fed. R. App. P. 4(b)(1)(A). Accordingly, Mr. Goldman had until April 5, 2023 to appeal the judgment in his case. *See id.*

The court notes that Federal Rule of Appellate Procedure 4(b)(4) permits the district court—upon a finding of excusable neglect or good cause—to extend the time to

appeal. However, the maximum extension permitted by Rule 4(b)(4) is 30 days beyond the original deadline. As stated above, the original deadline in this case was April 5, 2023, and so Rule 4(b)(4) would have allowed the district court to grant Mr. Goldman a 30-day extension beyond that deadline, or until May 5, 2023. But even assuming the district court had granted such an extension, Mr. Goldman's notice of appeal is still nearly two years too late.

The timely filing of a notice of appeal in a criminal case is not jurisdictional, but may nonetheless be raised by the court on its own initiative when judicial and administrative resources are implicated and the delay has been "inordinate." *United States v. Mitchell*, 518 F.3d 740, 750 (10th Cir. 2008).

The court holds that dismissal of this appeal is appropriate under the circumstances here presented: the appeal implicates both judicial and administrative resources and the district court entered the judgment Mr. Goldman seeks to appeal more than two years ago. Accordingly, the court dismisses the appeal as untimely.

A copy of this order shall stand as and for the mandate of the court.

APPEAL DISMISSED.

Entered for the Court

A handwritten signature in black ink, appearing to read 'Christopher M. Wolpert', written over a horizontal line.

CHRISTOPHER M. WOLPERT, Clerk