

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

FILED
United States Court of Appeals
Tenth Circuit

May 14, 2025

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVID WELLINGTON,

Defendant - Appellant.

No. 25-2046
(D.C. No. 1:21-CR-00853-WJ-JMR-1)
(D. N.M.)

ORDER

Before **EID**, **ROSSMAN**, and **FEDERICO**, Circuit Judges.

Appellant David Wellington, proceeding pro se, seeks to appeal the district court's final judgment entered in his criminal case on October 9, 2024. Mr. Wellington did not, however, file his notice of appeal until May 8, 2025. While Mr. Wellington's notice of appeal appears to have been postmarked May 6, 2025, that date is likewise beyond the filing deadline, and so the prison mailbox rule, *see* Fed. R. App. P. 4(c), does not aid Mr. Wellington here.

Upon consideration, the court dismisses Mr. Wellington'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. Wellington had until October 23, 2024 to appeal the judgment in his case. *See id.*

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. Wellington seeks to appeal more than six months 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