

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 16, 2007

No. 06-51134
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

ANDRES NARANJO-SANTOS

Defendant-Appellant

Appeals from the United States District Court
for the Western District of Texas
USDC No. 2:06-CR-133-ALL

Before WIENER, GARZA, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Andres Naranjo-Santos (Naranjo) seeks to appeal the 24-month sentence he received following his guilty-plea conviction for illegal reentry, in violation of 8 U.S.C. § 1326. Naranjo had 10 days from the entry of the July 5, 2006, judgment to file a timely notice of appeal. See FED. R. APP. P. 4(b)(1)(A). As the parties concede, his pro se August 14, 2006, notice of appeal was untimely.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

A district court may grant a defendant an additional 30 days in which to file a notice of appeal upon a showing of excusable neglect or good cause. See FED. R. APP. P. 4(b)(4). Because Naranjo's pro se notice of appeal was filed within this 30-day period, it sufficed as a motion for a finding on excusable neglect or good cause. See *United States v. Golding*, 739 F.2d 183, 184 (5th Cir. 1984).

Accordingly, the case is remanded to the district court for a finding under FED. R. APP. P. 4(b)(4). *Id.* Upon making the finding, the district court shall promptly return the case to this court for dismissal or further proceedings, as may be appropriate.

REMANDED.