

United States Court of Appeals
Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Thomas K. Kahn
Clerk

In Reply, Please Refer
To Case And Number

December 3, 1998

MEMORANDUM TO COUNSEL OR PARTIES

RE: 98-8429 High v. USA
DC DKT NO.: 97-02305 1-CV-RLV

NOTICE OF APPEAL FILED: MARCH 16, 1998

The referenced case has been docketed. After review of the district court docket entries, order and/or judgment appealed from, and the notice of appeal, it appears that this court may lack jurisdiction over this appeal. If it is determined that this court is without jurisdiction, this appeal will be dismissed.

The parties are requested to simultaneously advise the court in writing within fourteen (14) days from the date of this letter of their position regarding the jurisdictional question(s) set forth on the attached page. An original plus three copies of any response should be filed. The responses must include a Certificate of Interested Persons and Corporate Disclosure Statement as described in Fed.R.App.P. 26.1 and the corresponding circuit rules. Requests for extensions of time to file a response may not be entertained. Please do not address any other issues on appeal at this time.

After fourteen (14) days, this court will consider any response(s) received and any portion of the record that may be required to resolve the jurisdictional issue(s). If a transcript has been ordered [See Fed.R.App.P. 10(b)], it is appellant's responsibility to make arrangements with the court reporter to postpone the preparation of the transcript pending a determination of the jurisdictional issues, if this is desired. The parties will be advised by this office of the court's determination and of any further actions which may be required.

Counsel participating in this appeal should complete and return the enclosed appearance form within fourteen (14) days [11th Cir. R. 46-1]. Only counsel who enter an appearance will be noted on the docket. Persons appearing pro se need not file an appearance form.

Sincerely,


THOMAS K. KAHN, Clerk

Reply To: Carolyn Magers (wl)/(404)335-6189

NO. 98-8429

JURISDICTIONAL QUESTION(S)

Whether the notice of appeal is timely from the denial of the motion for new trial portion of the district court's February 24, 1998, order? See Fed R.App.P. 4(b).

Order entered on the docket: February 27, 1998

Notice of appeal filed: March 16, 1998