

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

UNITED STATES,
Plaintiff-Appellee,

v.

MARVIN A. DUKES,
Defendant-Appellant.

2011-1513

Appeal from the United States District Court for the Eastern District of Kentucky in case no. 10-CR-0078, Judge Danny C. Reeves.

Before LOURIE, MOORE, and REYNA, *Circuit Judges.*

PER CURIAM.

O R D E R

The court considers whether this appeal should be dismissed for lack of jurisdiction.

Marvin A. Dukes appeals from the judgment of the United States District Court for the Eastern District of Kentucky in this criminal matter. Dukes filed his notice of appeal in the district court that expressly sought review by the Court of Appeals for the Sixth Circuit. Instead, the district court transmitted the notice of appeal

to this court. This court is a court of limited jurisdiction, which does not include criminal cases. 28 U.S.C. § 1295. The court notes that upon docketing, Marvin's appeal was transmitted to the Sixth Circuit, docketed by that court, and is proceeding before that court.

Accordingly,

IT IS ORDERED THAT:

- (1) The appeal is dismissed.
- (2) Each side shall bear its own costs.

FOR THE COURT

SEP 02 2011

Date

/s/ Jan Horbaly

Jan Horbaly,
Clerk

cc: Anthony J. Bracke, Esq.
Marvin A. Dukes

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FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

SEP 02 2011

**JAN HORBALY
CLERK**