

**FILED**  
**United States Court of Appeals**  
**Tenth Circuit**

**UNITED STATES COURT OF APPEALS**

**FOR THE TENTH CIRCUIT**

**December 15, 2016**

**Elisabeth A. Shumaker**  
**Clerk of Court**

BRYAN KRUMM,

Petitioner,

v.

No. 16-9557

DRUG ENFORCEMENT  
ADMINISTRATION,

Respondent.

**ORDER**

Before **TYMKOVICH**, Chief Judge, **KELLY**, and **MORITZ**, Circuit Judges.

We raise *sua sponte* the question of whether this court has jurisdiction to consider this petition for review.

Federal Rule of Appellate Procedure 15(a)(1) provides that “[r]eview of an agency order is commenced by filing, within the time prescribed by law, a petition for review. . . .” 21 U.S.C. § 877 sets forth the procedures for obtaining judicial review of Drug Enforcement Administration (DEA) decisions and provides that a petition for review must be filed “within 30 days after notice of the decision.” Publication of a decision in the Federal Register constitutes constructive notice of the order. *Yakus v. United States*, 321 U.S. 414, 435 (1944). The DEA decision that is the subject of the instant petition for review was published in the *Federal Register* on August 12, 2016.

Petitioner Bryan Krumm filed his pro se petition for review on November 8, 2016, beyond the required 30-day limit. Mr. Krumm explains that he did not know that the 30-day filing requirement applied. Ignorance of the law does not excuse prompt filing, however. *See Marsh v. Soares*, 223 F.3d 1217, 1220 (10th Cir. 2000). Moreover, there is a “longstanding treatment of statutory time limits for taking an appeal as jurisdictional.” *Bowles v. Russell*, 551 U.S. 205, 2150 (2007).

Because the petition for review was filed beyond the 30-day statutory time limit, the court lacks jurisdiction over this petition for review.

**DISMISSED.**

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read 'Lindy Lucero Schaible', is written over the printed name.

by: Lindy Lucero Schaible  
Counsel to the Clerk

**UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT  
OFFICE OF THE CLERK**

Byron White United States Courthouse  
1823 Stout Street  
Denver, Colorado 80257  
(303) 844-3157

Elisabeth A. Shumaker  
Clerk of Court

December 15, 2016

Chris Wolpert  
Chief Deputy Clerk

Bryan Krumm  
733 Monroe NE  
Albuquerque, NM 87110

**RE: 16-9557, Krumm v. Drug Enforcement (DEA)**  
Dist/Ag docket: 81 FR 53767

Dear Petitioner:

Enclosed please find an order issued today by the court.

Please contact this office if you have questions.

Sincerely,

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a long horizontal flourish.

Elisabeth A. Shumaker  
Clerk of the Court

cc: (DEA) Office of Chief Counsel  
Karen Grohman  
United States Department of Justice

EAS/jm