

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

May 24, 2011

Lyle W. Cayce
Clerk

No.10-50477

USDC No. 3:06-CR-850-3

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

HUGO RAMIREZ-RODRIGUEZ, also known as Hugo Rodriguez Ramirez,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas

Before HIGGINBOTHAM, SMITH and HAYNES, Circuit Judges.

PER CURIAM:*

Hugo Ramirez-Rodriguez pleaded guilty to conspiracy to possess with intent to distribute cocaine and was sentenced to a 140-month prison term. Judgment was entered in October 2006. Ramirez-Rodriguez filed a timely notice of appeal, but that appeal was voluntarily dismissed by Ramirez-Rodriguez. The instant notice of appeal was filed on May 11, 2010, more than three years after the October 2006 final judgment was entered and well beyond the time for extending the appeal period under Federal Rule of Appellate Procedure 4(b)(4).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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See FED. R. APP. P. 4(b)(1)(A)(i), (b)(4). Ramirez-Rodriguez's appeal, which is far outside the time limit, is frivolous and is DISMISSED. 5TH CIR. R. 42.2; *see United States v. Perez*, 239 F. App'x 928, 928 (5th Cir. 2007); *United States v. Mitchell*, 518 F.3d 740, 750-51 (10th Cir. 2008). His motion for appointment of counsel is DENIED. His motion for an extension of time to file a brief and for reconsideration of his motion for appointment of counsel is also DENIED.