

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

September 15, 2011

Lyle W. Cayce
Clerk

No. 11-20294
c/w No. 11-20295
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RAY NARCISO CONTRERAS,

Defendant-Appellant

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RAY CONTRERAS,

Defendant-Appellant

Appeals from the United States District Court
for the Southern District of Texas
USDC No. 4:09-CR-652-1
USDC No. 4:09-CR-199-3

Before BENAVIDES, STEWART and CLEMENT, Circuit Judges.

PER CURIAM:*

IT IS ORDERED that the above-captioned appeals are CONSOLIDATED. Ray Narciso Contreras pleaded guilty in separate cases of conspiracy to possess with intent to distribute marijuana and possession with intent to distribute methamphetamine and was sentenced to concurrent 210-month terms of imprisonment. Judgment was entered in both cases on November 17, 2010, and his notices of appeal were dated April 12, 2011, and were filed in the record on April 20, 2011. Contreras's notices of appeal were filed five months after the final judgments were entered and beyond the time for extending the appeal period under Federal Rule of Appellate Procedure 4(b)(4). See FED. R. APP. P. 4(b)(1)(A)(i), (b)(4). Contreras did not file a timely notice of appeal as to either appeal, and he has not asserted any ground for excusable neglect. Therefore, his appeals are DISMISSED as untimely. See *United States v. Leijano-Cruz*, 473 F.3d 571, 574 (5th Cir. 2006). Accordingly, his motions for appointment of counsel and to proceed in forma pauperis on appeal are DENIED AS MOOT.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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