

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

United States Court of Appeals  
Fifth Circuit

**FILED**

December 22, 2014

Lyle W. Cayce  
Clerk

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No. 13-11286  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MANUEL D. LUJAN,

Defendant-Appellant

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 2:03-CR-47-10

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Before HIGGINBOTHAM, JONES, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

Manuel D. Lujan, federal prisoner # 30527-177, appeals the denial of his purported Federal Rule of Civil Procedure 60(b)(4) motion. A timely notice of appeal is mandatory and jurisdictional in a civil case. *Bowles v. Russell*, 551 U.S. 205, 213-14 (2007). Even in a criminal case, compliance with the time requirements is mandatory and may be enforced by the court. *United States v. Leijano-Cruz*, 473 F.3d 571, 574 (5th Cir. 2006). We previously remanded to

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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the district court for it to determine whether Lujan delivered the notice of appeal from the denial of his motion to prison officials on or before July 2, 2013. The district court found no competent evidence that it was.

Because Lujan failed to file a timely notice of appeal, the appeal is DISMISSED. Lujan's motion for the appointment of counsel is DENIED.