

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

No. 15-40395

United States Court of Appeals
Fifth Circuit

FILED

September 22, 2015

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

PATRICK FITZGERALD KELLY,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:06-CR-297-1

Before JOLLY, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Patrick Fitzgerald Kelly, federal prisoner # 14142-078, was sentenced to 240 months of imprisonment after pleading guilty to possession of a firearm in furtherance of a drug trafficking crime. The district court entered the judgment of conviction in August 2007. Kelly filed a notice of appeal from the judgment in March 2015, more than seven years after entry of judgment and well beyond the time for appealing and the time for extending the appeal period. *See* FED. R. APP. P. 4(b)(1)(A), (b)(4). Kelly's appeal, which is far outside

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 time limit, is frivolous. *See United States v. Leijano-Cruz*, 473 F.3d 571, 574 (5th Cir. 2006). Consequently, the appeal is DISMISSED, *see* 5TH CIR. R. 42.2, and Kelly's motions for appointment of counsel and leave to proceed in forma pauperis are DENIED.