

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

No. 16-50099
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
September 19, 2016
Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARIO TREJO-RUBIO, also known as Mario Trejo,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:15-CR-168-1

Before HIGGINBOTHAM, HAYNES, and HIGGINSON, Circuit Judges.

PER CURIAM:*

The judgment in this case was entered on November 9, 2015, but the notice of appeal was not filed until January 21, 2016. The district court thereafter ordered that the notice of appeal be stricken as untimely and that Mario Trejo-Rubio's motion for in forma pauperis appeal be denied. Before this court, the attorney originally appointed to represent Trejo-Rubio moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*,

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Trejo-Rubio has not filed a response.

Because the district court enforced the time limitations of Federal Rule of Appellate Procedure 4(b), Trejo-Rubio is not entitled to have his untimeliness disregarded. See *United States v. Acosta-Mosqueda*, No. 15-41725, 2016 U. S. App. LEXIS 10850 *2 (5th Cir. Jun. 15, 2016)(unpublished)(because the district court did not err in enforcing the time limitations of the applicable rule “this court may not reverse its decision to do so”); *United States v. Leijano-Cruz*, 473 F.3d 571, 574 (5th Cir. 2006). Accordingly, counsel’s motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. See 5TH CIR. R. 42.2.