

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

July 29, 2022

Lyle W. Cayce
Clerk

No. 21-30381
Summary Calendar

BILLY F. LARKIN,

Plaintiff—Appellant,

versus

PATRICK JUNEAU, *Claims Administrator*; BP EXPLORATION;
PRODUCTION, INCORPORATED; BP AMERICA PRODUCTION
COMPANY,

Defendants—Appellees.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:10-MD-2179
USDC No. 2:19-CV-10295

Before STEWART, DUNCAN, and WILSON, *Circuit Judges.*

PER CURIAM:*

Billy F. Larkin appeals the district court's denial of his motion for an out-of-time appeal. To the extent that Larkin seeks reinstatement of his

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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original appeal, his motion should have been filed directly with this court and not in the district court. *See* 5TH CIR. R. 27.1.6; *see also United States v. West*, 240 F.3d 456, 459 (5th Cir. 2001). In any event, Larkin fails to articulate a nonfrivolous challenge to the district court's denial of his motion for leave to file a second, out-of-time notice of appeal. Accordingly, Larkin's appeal is DISMISSED as frivolous. *See* 5TH CIR. R. 42.2. Larkin's remaining outstanding motions are DENIED.