

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

United States Court of Appeals  
Fifth Circuit

**FILED**

March 4, 2020

Lyle W. Cayce  
Clerk

---

No. 19-40168  
Conference Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARIO DE LEON,

Defendant-Appellant

---

Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:18-CR-312-1

---

Before CLEMENT, GRAVES, and OLDHAM, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Mario De Leon has moved for leave to withdraw and has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967). De Leon has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein.

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 19-40168

De Leon's notice of appeal was filed more than 14 days after the entry of his criminal judgment and was therefore untimely under Federal Rule of Appellate Procedure 4(b)(1)(A). *See* FED. R. APP. P. 4(b)(1)(A). He moved for an extension of time to appeal pursuant to Rule 4(b)(4), but the district court denied the motion on the ground that there was not good cause or excusable neglect warranting an extension. In light of the district court's enforcement of the time limitations in Rule 4(b), the untimeliness of De Leon's notice of appeal may not be disregarded. *See United States v. Leijano-Cruz*, 473 F.3d 571, 574 (5th Cir. 2006).

Based on our review of the record, there is no nonfrivolous issue for appeal with respect to De Leon's criminal judgment or the district court's order denying an extension of time to appeal. The instant appeal is without arguable merit. Accordingly, counsel's motion to withdraw is GRANTED, and the appeal is DISMISSED as frivolous. *See* 5TH CIR. R. 42.2.