

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

March 16, 2026

Lyle W. Cayce
Clerk

No. 25-20161
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MATTHEW SCOTT DOWELL,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:19-CR-719-5

Before GRAVES, HO, and DOUGLAS, *Circuit Judges.*

PER CURIAM:*

Matthew Scott Dowell was convicted of conspiracy to advertise child pornography and was sentenced to 180 months of imprisonment, followed by a lifetime term of supervised release. He appeals the district court's orders denying his postjudgment motion to dismiss all charges and his motion for reconsideration of that motion. Dowell also moves for the appointment of

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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counsel. The Government moves to dismiss the appeal or, alternatively, for an extension of time to file a brief.

We have a duty to consider, *sua sponte*, if necessary, the basis of the district court's and this court's own jurisdiction. *See Solsona v. Warden, F.C.I.*, 821 F.2d 1129, 1132 n.2 (5th Cir. 1987); *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). Dowell's motion to dismiss all charges was filed more than one year after the entry of the amended judgment and after any appeal period had expired. *See* FED. R. APP. P. 4(b). Because the criminal proceeding was no longer pending, Dowell's motion was unauthorized and without a jurisdictional basis. *See* FED. R. CRIM. P. 12(b)(2)-(3); *United States v. Early*, 27 F.3d 140, 142 (5th Cir. 1994). Thus, any appeal from the denial of Dowell's motion to dismiss all charges, even if timely, was an appeal from the denial of a "meaningless, unauthorized motion." *Early*, 27 F.3d at 142. His motion for reconsideration of the denial of that motion was also a "meaningless, unauthorized motion." *Early*, 27 F.3d at 142.

Accordingly, the Government's motion to dismiss is GRANTED, its alternative motion for an extension of time to file a brief is DENIED AS MOOT, and the appeal is DISMISSED as frivolous. *See* 5TH CIR. R. 42.2. Dowell's motion for appointment of counsel is DENIED.