

# United States Court of Appeals for the Fifth Circuit

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No. 26-50164  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

May 19, 2026

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

SERGIO RIVERA,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 5:24-CR-257-1

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Before STEWART, GRAVES, and OLDHAM, *Circuit Judges.*

PER CURIAM:\*

Sergio Rivera was indicted on three counts of production of child pornography, in violation of 18 U.S.C. § 2251(a) and (e), and one count of coercion and enticement of a minor to engage in sexual activity, in violation of 18 U.S.C. § 2422(b). Acting pro se, he now appeals from the district court's denial of his motion to revoke the magistrate judge's order of pretrial

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

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detention. *See* 18 U.S.C. § 3145(b), (c). The Government requests that this court dismiss the appeal as untimely. *See United States v. Hernandez-Gomez*, 795 F.3d 510, 511 (5th Cir. 2015); FED. R. APP. P. 4(b)(1)(A)(i).

The Government correctly argues that Rivera’s notice of appeal was filed outside the applicable 14-day time limit. *See* FED. R. APP. P. 4(b)(1)(A)(i), (c)(1). Because the Government seeks to enforce “the time limits in Rule 4(b)(1)(A),” which “are mandatory claims-processing rules,” *United States v. Pesina-Rodriguez*, 825 F.3d 787, 788 (5th Cir. 2016), our “duty to dismiss the appeal [is] mandatory,” *Eberhart v. United States*, 546 U.S. 12, 18 (2005).

Given the foregoing, the Government’s motion is GRANTED, and the appeal is DISMISSED as untimely.