

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

No. 16-51109

United States Court of Appeals
Fifth Circuit

FILED

November 22, 2016

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ANDRES MENDOZA-LAZALDE,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:15-CR-1948-1

Before HIGGINBOTHAM, HAYNES, and GRAVES, Circuit Judges.

PER CURIAM:*

Andres Mendoza-Lazalde, federal prisoner # 59855-380, was sentenced to 46 months of imprisonment for smuggling goods and facilitating the smuggling of goods from the United States, in violation of 18 U.S.C. § 554. He has filed a motion for the appointment of counsel and leave to proceed in forma pauperis (IFP) on appeal.

The district court entered the judgment of conviction on April 4, 2016. Mendoza-Lazalde filed a pro se notice of appeal at the earliest on August 30,

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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2016, well beyond the time for appealing and for extending the appeal period. *See* FED. R.APP. P. 4(b)(1)(A), (b)(4). The appeal, which was filed far outside the time limit, is frivolous. *See United States v. Leijano-Cruz*, 473 F.3d 571, 574 (5th Cir. 2006). Consequently, Mendoza-Lazalde's appeal is DISMISSED, *see* 5TH CIR. R. 42.2, and his motion for the appointment of counsel and leave to proceed IFP on appeal is DENIED.