

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

United States Court of Appeals  
Fifth Circuit

**F I L E D**

January 15, 2010

No. 09-10702  
Summary Calendar

Charles R. Fulbruge III  
Clerk

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ARIS BENJAMIN RAMIREZ-ALVAREZ, also known as Joel Paul Nieves, Jr.,  
also known as Benny Boy Ramirez, also known as Loco Ramirez,

Defendant-Appellant

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 1:04-MJ-85-1

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Before KING, STEWART and HAYNES, Circuit Judges.

PER CURIAM:\*

Aris Benjamin Ramirez-Alvarez has moved for appointment of counsel to represent him on appeal of his December 13, 2004 amended judgment of conviction for illegal entry into the United States. This court must examine the basis of its jurisdiction on its own motion if necessary. *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). The judgment Ramirez-Alvarez seeks to appeal was issued by a federal magistrate judge, and a federal magistrate judge's judgment

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

of conviction and sentence may be appealed only to a federal district court. *See* 18 U.S.C. § 3402; FED. R. CRIM. P. 58(g)(2); *see also* *United States v. Baxter*, 19 F.3d 155, 156 (4th Cir. 1994). Thus, we lack jurisdiction over this appeal.

Ramirez-Alvarez's motion for appointment of counsel is DENIED, and this appeal is DISMISSED for lack of jurisdiction.