

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

F I L E D

March 5, 2010

No. 09-50050
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CRESENCIO RICO,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:97-CR-164-ALL

Before BENAVIDES, PRADO, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Cresencio Rico appeals the district court's order dismissing his pro se motion to reinstate his appeal of his 2005 conviction for conspiracy to possess with intent to distribute marijuana. Counsel appointed to represent Rico in the instant appeal has moved for leave to withdraw and has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), contending that there are no nonfrivolous issues with respect to Rico's conviction and sentence.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

As recognized by the district court, Rico's motion to reinstate his appeal was an unauthorized motion that the district court lacked jurisdiction to entertain. *See United States v. Early*, 27 F. 3d 140, 142 (5th Cir. 1994). "Thus, [Rico] has appealed from the denial of a meaningless, unauthorized motion." *Id.* For the foregoing reasons, the judgment of the district court is AFFIRMED and counsel's motion to withdraw is GRANTED. All other outstanding motions are DENIED.