

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

United States Court of Appeals
Fifth Circuit

F I L E D

June 10, 2010

No. 10-10093
Summary Calendar

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ENRIQUE MARTINEZ ALONSO,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:02-CR-201-1

Before KING, STEWART, and HAYNES, Circuit Judges.

PER CURIAM:*

In 2004, Enrique Martinez Alonso pleaded guilty to one count of conspiracy to violate rights, in violation of 18 U.S.C. § 241, and was sentenced to 38 months in prison. Six years later, Alonso asked the district court for an extension of time to resubmit his appeal brief. The district court construed Alonso's request as a request for an out-of-time appeal and denied it pursuant to FED R. APP. P. 4(b). The district court also denied Alonso's request for appointed counsel.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Alonso did not file a notice of appeal from the instant conviction within 10 days after the entry of the criminal judgment. *See* FED. R. APP. P. 4(b)(1)(A)(i). His appeal also was noticed beyond the 30-day time limit for extending the appeal period under FED. R. APP. P. 4(b)(4). Thus, the district court did not err in enforcing the time limitations set forth in FED. R. APP. P. 4(b), and this court may not reverse its decision to do so. *See United States v. Leijano-Cruz*, 473 F.3d 571, 574 (5th Cir. 2006). His appeal is dismissed as untimely. Alonso's motion for appointment of counsel is DENIED.

APPEAL DISMISSED; MOTION DENIED.