

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

No. 15-41468

United States Court of Appeals
Fifth Circuit

FILED

March 10, 2016

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE RAUL MENDEZ,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 5:13-CR-3

Before GRAVES, HIGGINSON, and COSTA, Circuit Judges.

PER CURIAM:*

Jose Raul Mendez, federal prisoner # 42794-177, was sentenced to 120 months in prison for illegal reentry following deportation in violation of 8 U.S.C. § 1326. The district court entered the judgment of conviction on March 11, 2013. Mendez filed a pro se notice of appeal on October 26, 2015, more than two and one-half years after entry of the judgment and well beyond the time for appealing and the time for extending the appeal period. *See* FED. R. APP. P. 4(b)(1)(A), (b)(4). Mendez's appeal, which is far outside the time limit, is

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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frivolous. *See United States v. Leijano-Cruz*, 473 F.3d 571, 574 (5th Cir. 2006). Consequently, the appeal is DISMISSED, *see* 5TH CIR. R. 42.2, and Mendez's motion for leave to proceed in forma pauperis on appeal is DENIED.