

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

No. 16-50984
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 2, 2017

Lyle W. Cayce
Clerk

RODNEY J. HAMMOND,

Plaintiff - Appellant

v.

MELVIA LOVINGS; PAUL HELFRICH; MELISSA ESQUIVEL; AMELIA
BUSTOS; J&J WORLDWIDE SERVICES, INCORPORATED,

Defendants - Appellees

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:15-CV-579

Before REAVLEY, OWEN, and ELROD, Circuit Judges.

PER CURIAM:*

Appellant Rodney J. Hammond seeks to appeal the district court's ruling awarding defendants attorney fees. The order was entered July 1, 2016. Hammond was therefore required to file his notice of appeal by August 1, 2016. On that day, he attempted to file the notice of appeal, but inadvertently filed a document entitled "Plaintiff's Response to Court's Order to Show Cause." The

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 16-50984

next day, the court issued a “Deficiency Notice” informing him of the error. On August 2, 2016, Hammond filed his notice of appeal.

Hammond’s notice of appeal was untimely, and this appeal must therefore be dismissed. *See* Fed. R. App. P. 4(a)(1)(A). The unusual circumstances surrounding Hammond’s late filing do not change this outcome. *Kinsley v. Lakeview Regional Medical Center LLC* is squarely on point and controls. *See* 570 F.3d 586, 590 (5th Cir. 2009).

DISMISSED.