

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

November 23, 2022

Lyle W. Cayce
Clerk

No. 22-30149
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CEDRIC CONNER,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 6:12-CR-69-1

Before KING, JONES, and SMITH, *Circuit Judges.*

PER CURIAM:*

Cedric Conner, federal prisoner #15915-035, moves to proceed *in forma pauperis* (“IFP”) on appeal of the January 11, 2022, order denying his motion for compassionate release per 18 U.S.C. § 3582(c)(1)(A). Conner’s notice of appeal was filed on March 1, 2022. He also sought leave to proceed

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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IFP on appeal. The district court denied Conner's request to proceed IFP on appeal and certified that the appeal was not taken in good faith because his notice of appeal was untimely.

This court may dismiss an appeal during consideration of an interlocutory motion if the appeal "is frivolous and entirely without merit." 5TH CIR. R. 42.2. Conner's notice of appeal was filed after expiration of both the 14-day period for filing a notice of appeal under Federal Rule of Appellate Procedure 4(b)(1)(A) and the maximum 30-day extension that could be granted under Rule 4(b)(4). Because the district court did not err in enforcing the time limits in Rule 4(b), the untimeliness of Conner's notice of appeal cannot be disregarded. *See United States v. Leijano-Cruz*, 473 F.3d 571, 574 (5th Cir. 2006). The appeal is without arguable merit and is DISMISSED, and the motion to proceed IFP on appeal is DENIED. *See* 5TH CIR. R. 42.2.