

DEC 20 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

| |
|---|
| <p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>ADOLFO GONZALES-PADILLA,</p> <p>Defendant - Appellant.</p> |
|---|

No. 11-50073

D.C. No. 3:10-cr-04452-JLS-1

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Janis L. Sammartino, District Judge, Presiding

Submitted December 19, 2011**

Before: GOODWIN, WALLACE, and McKEOWN, Circuit Judges.

Adolfo Gonzales-Padilla appeals his conviction by guilty plea and sentence for being a deported alien found in the United States in violation of 8 U.S.C. § 1326.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

The district court denied defendant's request for an extension of time to file an appeal of his sentence because he failed to establish excusable neglect. See Fed. R. App. P. 4(b). Gonzales-Padilla does not challenge this finding. Accordingly, we dismiss for lack of a timely notice of appeal.

Counsel's motion to withdraw is granted.

DISMISSED.