

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 21 2016

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 14-50467

Plaintiff - Appellee,

D.C. No. 3:14-cr-00389-WQH

v.

MEMORANDUM*

DEREK ANDREW MEDINA,

Defendant - Appellant.

Appeal from the United States District Court
for the Southern District of California
William Q. Hayes, District Judge, Presiding

Submitted March 15, 2016**

Before: GOODWIN, LEAVY, and CHRISTEN, Circuit Judges.

Derek Andrew Medina appeals from the district court's judgment and challenges the 37-month sentence imposed following his guilty-plea conviction for distribution of methamphetamine, in violation of 21 U.S.C. § 841(a)(1). We dismiss.

* 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 government seeks the dismissal of this appeal as untimely. Although Medina received an extension of time to file a notice of appeal (“NOA”), he did not file his NOA within the time permitted by the Federal Rules. *See* Fed. R. App. P. 4(b)(1)(A)(i), (b)(4). We must, therefore, dismiss. *See United States v. Sadler*, 480 F.3d 932, 942 (9th Cir. 2007) (when the government objects to the untimely filing of an NOA, dismissal is mandatory).

DISMISSED.