

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 20 2021

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 21-30038

Plaintiff-Appellee,

D.C. No. 2:11-cr-00181-WFN-14

v.

AMADOR SANCHEZ MENDOZA, AKA
Amador Sanchez,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Washington
Wm. Fremming Nielsen, District Judge, Presiding

Submitted October 12, 2021**

Before: TALLMAN, RAWLINSON, and BUMATAY, Circuit Judges.

Amador Sanchez Mendoza appeals pro se from the district court's order denying his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i).

We dismiss Mendoza's appeal as untimely.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 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 entered its order denying Mendoza's motion for compassionate release on December 14, 2020. Mendoza's notice of appeal was not filed until January 28, 2021, outside of the 14-day timeline to appeal the district court's order. *See* Fed. R. App. P. 4(b)(1)(A). Mendoza did not ask the district court for an extension of time to file his appeal, nor could the district court have granted an extension sufficient to render the notice of appeal timely. *See* Fed. R. App. P. 4(b)(4) (district court may not extend the time to file a notice of appeal beyond 30 days). Because the government properly objected to Mendoza's untimely filing, we must dismiss Mendoza's appeal. *See United States v. Navarro*, 800 F.3d 1104, 1109 (9th Cir. 2015).

This disposition is without prejudice to Mendoza filing a new motion for compassionate release in the district court.

DISMISSED.