

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 27 2023

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 22-50076

Plaintiff-Appellee,

D.C. No. 3:19-cr-04906-LAB-1

v.

MEMORANDUM*

ANTIONE JAMES COWAN,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of California
Larry A. Burns, District Judge, Presiding

Submitted January 18, 2023**

Before: GRABER, PAEZ, and NGUYEN, Circuit Judges.

Antione James Cowan appeals from the district court's order denying his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i). We dismiss Cowan's appeal as untimely.

Giving Cowan the benefit of the mailbox rule, he filed his notice of appeal

* 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).

59 days after the district court's order denying his motion for compassionate release, well outside the 14-day deadline and the 30-day extension of time the district court could have granted. *See* Fed. R. App. P. 4(b)(1)(A), 4(b)(4). Because the government properly objected to Cowan's untimely notice of appeal, we must dismiss. *See United States v. Sadler*, 480 F.3d 932, 942 (9th Cir. 2007).

DISMISSED.