

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 1 2024

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSHUA LEE HELM,

Defendant - Appellant.

No. 23-2845

D.C. No. 1:15-cr-00057-SPW-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Susan P. Watters, District Judge, Presiding

Submitted April 22, 2024**

Before: CALLAHAN, LEE, and FORREST, Circuit Judges.

Joshua Lee Helm 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 the appeal as untimely.

Helm filed his notice of appeal more than 44 days after entry of the district

* 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).

court's order. *See* Fed. R. App. P. 4(b)(1), (b)(4). Because the government properly objected to Helm's untimely notice of appeal, we must dismiss. *See United States v. Sadler*, 480 F.3d 932, 941-42 (9th Cir. 2007).

DISMISSED.