

July 18, 2003

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 03-20109
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE LUIS RUIZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-91-CR-27-4

Before SMITH, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Jose Ruiz appeals the denial of his motion for reconsideration of the denial of his motion to reduce his sentence. Ruiz's notice

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

of appeal from the denial of his motion for reduction of sentence was untimely. See FED. R. APP. P. 4(b); United States v. Alvarez, 210 F.3d 309, 310 (5th Cir. 2000). His motion for reconsideration did not toll the running of the ten-day time for filing an effective notice of appeal, because it also was untimely filed. See United States v. Brewer, 60 F.3d 1142, 1145 (5th Cir. 1995).

Ruiz's notice of appeal from the denial of his motion for reconsideration was timely. The district court was without jurisdiction, however, to entertain an untimely motion for reconsideration. See United States v. Miramontez, 995 F.2d 56, 58 n.2 (5th Cir. 1993); United States v. Cook, 670 F.2d 46, 48 (5th Cir. 1982). Ruiz thus has appealed the denial of a meaningless, unauthorized motion. See United States v. Early, 27 F.3d 140, 142 (5th Cir. 1994).

AFFIRMED.