

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-50432
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LUZ ROJAS,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-98-CR-531-ALL-DB

May 16, 2000

Before SMITH, BARKSDALE, and PARKER, Circuit Judges.

PER CURIAM:*

Court-appointed counsel for Luz Rojas has moved for leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Rojas' untimely notice of appeal, however, prevents us from reaching the merits of counsel's motion to withdraw. The record reflects that Rojas' notice of appeal was filed well beyond the ten-day appeals period. See Fed. R. App. P. 4(b)(1)(A)(i). Because a timely notice of appeal is a prerequisite to the exercise of this court's jurisdiction, Rojas' appeal is DISMISSED as untimely.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

See United States v. Merrifield, 764 F.2d 436, 436-37 (5th Cir. 1985). Counsel's motion to withdraw is DENIED as moot.

APPEAL DISMISSED; MOTION TO WITHDRAW DENIED AS MOOT.