

[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 23-12530

Non-Argument Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

*versus*

PABLO RANGEL-RUBIO,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Georgia  
D.C. Docket No. 4:22-cr-00030-LGW-BWC-1

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Before NEWSOM, GRANT, and LUCK, Circuit Judges.

PER CURIAM:

Upon review of the record and the government's motion to dismiss, we conclude that this appeal is untimely. Pablo Rangel-Rubio seeks review of the district court's November 21, 2022 judgment in his criminal case. To timely seek review of that judgment, he needed to file a notice of appeal by December 5, 2022. *See* Fed. R. App. P. 4(b)(1)(A). His notice of appeal, deemed filed on July 26, 2023, is therefore untimely. *See id.*; Fed. R. App. P. 4(c)(1); *Jeffries v. United States*, 748 F.3d 1310, 1314 (11th Cir. 2014).

Because the government moves to dismiss the notice of appeal as untimely, we "must apply the time limits of Rule 4(b)." *See United States v. Lopez*, 562 F.3d 1309, 1313-14 (11th Cir. 2009) (holding that we must apply Rule 4(b)'s 14-day time limit when the government objects to an untimely notice of appeal). Additionally, because Rangel-Rubio filed his notice of appeal more than 30 days after the expiration of the 14-day appeal period, he is not eligible for relief under Rule 4(b)(4). *See* Fed. R. App. P. 4(b)(4) (providing that, upon a finding of excusable neglect or good cause, the district court may extend the time to file a notice of appeal for up to 30 days); *United States v. Ward*, 696 F.2d 1315, 1317-18 (11th Cir. 1983) (noting that we customarily treat a late notice of appeal, filed within the 30 days during which an extension is permissible, as a motion for extension of time under Rule 4(b)(4) and remand to the district court).

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Accordingly, the government's motion to dismiss this appeal as untimely is GRANTED, and this appeal is DISMISSED.