

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-11628
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LORENZO TAYLOR, JR.,

a.k.a. Benzo,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Alabama
D.C. Docket No. 1:12-cr-00056-WS-C-1

Before JORDAN, ROSENBAUM, and NEWSOM, Circuit Judges.

PER CURIAM:

Lorenzo Taylor, Jr., proceeding pro se, appeals from the district court's April 9, 2024, order denying his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A). As we have already explained, his notice of appeal is deemed filed on May 17, 2024, under the prison mailbox rule. See Fed. R. App. P. 4(c)(1) (describing the rule); *Houston v. Lack*, 487 U.S. 266, 276 (1988) (holding that, under the rule, a notice of appeal filed by a pro se prisoner through a prison's mail system is deemed filed on the date that he delivered it to prison authorities for mailing).

The government filed a motion to dismiss. As relevant, the government argued that this appeal is untimely but suggested that remand might be necessary to determine whether Taylor warranted Rule 4(b)(4) relief. We issued an order construing the notice of appeal as a Rule 4(b)(4) motion and remanding the case to the district court to make such a determination. On remand, the district court denied the construed Rule 4(b)(4) motion.

As a result, Taylor's notice of appeal is untimely and, because the government has raised the issue, we must apply the 14-day time limit. See Fed. R. App. P. 4(b)(1)(A); *United States v. Lopez*, 562 F.3d 1309, 1311-14 (11th Cir. 2009); see also *United States v. Fair*, 326 F.3d 1317, 1318 (11th Cir. 2003) (explaining that motions for sentence reduction are "criminal in nature").

Accordingly, the government's motion to dismiss is GRANTED. This appeal is DISMISSED.