

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-11979
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PAUL E. SENAT,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 9:19-cr-80024-RAR-1

Before JORDAN, ROSENBAUM, and BRASHER, Circuit Judges.

PER CURIAM:

Paul E. Senat, proceeding pro se, appeals from the district court's July 31, 2023, order denying his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A). The government filed a

motion to dismiss Senat's appeal as untimely. Senat did not respond.

The deadline to file the notice of appeal was August 14, 2023. *See* Fed. R. App. P. 4(b)(1)(A)(i) (providing that, in criminal cases, a defendant must file a notice of appeal within 14 days after the entry of the order or judgment being appealed); *United States v. Fair*, 326 F.3d 1317, 1318 (11th Cir. 2003) (explaining that sentence reduction motions are “criminal in nature”). Under the prison mailbox rule, the earliest that Senat's notice could be deemed filed is May 25, 2025, the date that he signed it.¹ *See* Fed. R. App. P. 4(c)(1) (describing the prison mailbox rule); *Houston v. Lack*, 487 U.S. 266, 276 (1988) (explaining that, under the rule, a notice of appeal is deemed filed on the date that the prisoner delivered it to prison authorities); *Jeffries v. United States*, 748 F.3d 1310, 1314 (11th Cir. 2014) (explaining that, absent evidence to the contrary, we assume that a prisoner delivered his notice on the date that he signed it).

The notice is thus untimely to appeal from the July 31, 2023, order. *See* Fed. R. App. P. 4(b)(1)(A)(i). The notice is also deemed filed more than 30 days after the August 14 deadline, so Senat is not eligible for an extension of time. *See* Fed. R. App. P. 4(b)(4) (providing that district courts can “extend the time to file a notice of appeal

¹ It is unclear when Senat's notice is deemed filed under the prison mailbox rule because he dated it May 25, 2025, and the envelope in which it was mailed is stamped as received by prison officials for mailing on June 2, 2025. The eight-day difference, however, is not dispositive, as Senat's notice is untimely to appeal the district court's July 31, 2023, order when deemed filed on either date.

25-11979

Opinion of the Court

3

for a period not to exceed 30 days from the expiration of the time otherwise prescribed by . . . Rule 4(b)"); *United States v. Lopez*, 562 F.3d 1309, 1314 (11th Cir. 2009).

Accordingly, because the government raised the issue of timeliness, we must apply Rule 4(b)(1)(A)(i) and dismiss this appeal as untimely. *See Lopez*, 562 F.3d at 1314. The motion to dismiss is GRANTED, and this appeal is DISMISSED.