

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

JUL 30 2019

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

STATE OF ARIZONA,

No. 19-16016

Plaintiff-Appellee,

D.C. No.

v.

3:19-cr-08056-DJH-1

SARGON BERNARD FOLIO,

District of Arizona,

Prescott

Defendant-Appellant.

ORDER

Before: SCHROEDER, CANBY, and CHRISTEN, Circuit Judges.

A review of the record demonstrates that this court lacks jurisdiction over this appeal because the order challenged in the appeal is not reviewable. *See* 28 U.S.C. § 1447(d); *Schmitt v. Ins. Co. of North Am.*, 845 F.2d 1546, 1549 (9th Cir. 1988) (order remanding based on untimely removal is not reviewable, on appeal or otherwise) (superseded by statute on other grounds in *Moore v. Permanente Med. Group, Inc.*, 981 F.2d 443 (9th Cir. 1992)). Consequently, this appeal is dismissed for lack of jurisdiction.

All pending motions are denied as moot.

**DISMISSED.**