

APPENDIX A

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 10 2024

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

MELVIN WARREN RIVERS, AKA Juice
Lee,

Defendant-Appellant.

No. 23-50043

D.C. No.
3:13-cr-03954-BEN-1

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Roger T. Benitez, District Judge, Presiding

Submitted January 8, 2024**
Pasadena, California

Before: CHRISTEN and BENNETT, Circuit Judges, and KATZMANN,*** Judge.

Melvin Rivers appeals the district court's order denying his motion for early termination of supervised release that followed his 2014 conviction for conspiracy

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Gary S. Katzmann, Judge for the United States Court of International Trade, sitting by designation.

to commit sex trafficking of a juvenile in violation of 18 U.S.C. § 1594(c). We have jurisdiction under 28 U.S.C. § 1291, and we dismiss the appeal as untimely.

A defendant must file a notice of appeal within fourteen days of the order being appealed. Fed. R. App. P. 4(b)(1)(A)(i). Rivers's motion for early termination of supervised release was denied on January 9, 2023. Rivers filed a notice of appeal on February 28, 2023, which specified that he was appealing the January 9 order denying the motion. Rivers's notice of appeal was filed fifty days after the order denying his motion, making it untimely. "Because the government properly raised the untimeliness argument in the instant case . . . we are required to dismiss [Rivers]'s appeal." *United States v. Sadler*, 480 F.3d 932, 942 (9th Cir. 2007).

DISMISSED.

APPENDIX B

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FEB 20 2024

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Plaintiff-Appellee,

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MELVIN WARREN RIVERS, AKA Juice
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Defendant-Appellant.

No. 23-50043

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3:13-cr-03954-BEN-1

Southern District of California,
San Diego

ORDER

Before: CHRISTEN and BENNETT, Circuit Judges, and KATZMANN,* Judge.

The petition for panel rehearing is DENIED. Judge Christen and Judge Bennett voted to deny the petition for rehearing en banc and Judge Katzmnn so recommended. The petition for rehearing en banc was circulated to the judges of the court, and no judge requested a vote for en banc consideration. The petition for rehearing en banc is DENIED.

* The Honorable Gary S. Katzmnn, Judge for the United States Court of International Trade, sitting by designation.