

MAR 17 2009

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MAURICIO ANTONIO PAREDES,)	No. 06-56837
)	
Petitioner – Appellant,)	D.C. No. CV-04-02707-GPS
)	
v.)	MEMORANDUM*
)	
JOHN MARSHALL, Warden,)	
)	
Respondent – Appellee.)	
_____)	

Appeal from the United States District Court
for the Central District of California
George P. Schiavelli, District Judge, Presiding

Submitted March 4, 2009**
Pasadena, California

Before: BEEZER, FERNANDEZ, and PAEZ, Circuit Judges.

Mauricio Antonio Paredes appeals the district court’s denial of his petition for habeas corpus relief. See 28 U.S.C. § 2254. We dismiss the appeal.

Because Paredes did not file his Notice of Appeal within thirty days of the

*This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

entry of judgment on February 16, 2006,¹ and did not file his Fed. R. Civ. P. 60(b) motion within ten days after the entry of that judgment,² we do not have jurisdiction over this appeal. See 28 U.S.C. § 2107(a); United States v. Sadler, 480 F.3d 932, 937 (9th Cir. 2007).

DISMISSED.

¹See Fed. R. App. P. 4(a)(1).

²See Fed. R. App. P. 4(a)(4)(A)(vi). The so-called mailbox rule does not apply because Paredes did not even sign the motion papers until after the requisite ten days had passed. See Fed. R. App. P. 4(c); Houston v. Lack, 487 U.S. 266, 276, 108 S. Ct. 2379, 2385, 101 L. Ed. 245 (1988); Jones v. Blanas, 393 F.3d 918, 926 (9th Cir. 2004). Moreover, no statement in the motion or evidence indicated that his receipt of the judgment itself was delayed.