

United States Court of Appeals for the Fifth Circuit

No. 25-40800
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 10, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DAVID LOZANO-CARDENAS,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:23-CR-745-1

Before SOUTHWICK, DUNCAN, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

David Lozano-Cardenas moves this court for appointment of counsel. This court, however, must examine the basis of its jurisdiction, sua sponte if necessary. *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). Lozano-Cardenas cannot appeal the denial of a motion for a sentence reduction under 18 U.S.C. § 3582(c), which was the judgment specified in his notice of

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

No. 25-40800

appeal, because no such order was entered on the docket sheet. The district court denied Lozano-Cardenas's motion for appointment of counsel after he filed his notice of appeal. Accordingly, the only order that can logically be encompassed by his notice of appeal is the magistrate judge's denial of his letter-motions, or to the extent that his letters could be construed as motions for a sentence reduction, the magistrate judge's denial of those motions.

"The courts of appeals . . . have jurisdiction of appeals from all final decisions of the district courts of the United States." 28 U.S.C. § 1291. Accordingly, unless the parties have consented to proceed before a magistrate judge, "appellate courts are without jurisdiction to hear appeals directly from" federal magistrate judges. *United States v. Renfro*, 620 F.2d 497, 500 (5th Cir. 1980); *see Donaldson v. Ducote*, 373 F.3d 622, 624 (5th Cir. 2004). There is no evidence that Lozano-Cardenas consented to proceed before the magistrate judge. *See Donaldson*, 373 F.3d at 624.

Accordingly, the appeal is DISMISSED for lack of jurisdiction. *See id.*; *Renfro*, 620 F.2d at 500. The motion for appointment of counsel is DENIED as moot.