

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

June 8, 2011

FOR THE TENTH CIRCUIT

**Elisabeth A. Shumaker
Clerk of Court**

LORI L. PARK,

Plaintiff - Appellant,

v.

FISERV TRUST COMPANY;
FISERVISS; FISERV INC.; LINCOLN
TRUST COMPANY; TRUST
INDUSTRIAL BANK HOLDINGS, INC.;
ROBERT BERIAULT HOLDINGS, INC.,

Defendants - Appellees.

No. 11-1057
(D.C. No. 1:10-CV-00189-PAB-CBS)

ORDER

Before **KELLY, MURPHY**, and **HARTZ**, Circuit Judges.

Plaintiff Lori Park appeals the district court's order and final judgment dismissing her employment discrimination case. This court entered an order to show cause as to why the appeal should not be dismissed because the notice of appeal appeared to have been untimely filed. Ms. Park filed a response and also filed a motion for extension of time to file the notice of appeal in district court. The district court ultimately denied the motion for extension of time. This court entered a second order to show cause as to why the appeal should not be dismissed. Ms. Park then filed a motion for reconsideration of

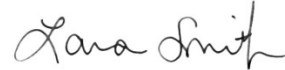
the denial of her motion for extension of time in district court, which was denied. Ms. Park filed a status report with this court advising of the denial of her motion for reconsideration and asking this court to allow her appeal to continue. Upon consideration, we now dismiss this appeal.

“A timely notice of appeal is both mandatory and jurisdictional.” Allender v. Raytheon Aircraft Co., 439 F.3d 1236, 1239 (10th Cir. 2006) (quotation omitted); see also Bowles v. Russell, 551 U.S. 205, 213-15 (2007). In a civil case where the United States is not a party, a notice of appeal “must be filed with the district clerk within 30 days after the judgment or order appealed from is entered.” Fed. R. App. P. 4(a)(1)(A). Although Ms. Park is proceeding pro se, she still must comply with the same procedural requirements that govern other litigants. Kay v. Bemis, 500 F.3d 1214, 1218 (10th Cir. 2007); Ogden v. San Juan County, 32 F.3d 452, 455 (10th Cir. 1994).

In this case, the district court’s final judgment was entered December 9, 2010. To be timely, the notice of appeal must have been filed by January 10, 2011. See Fed. R. App. P. 4(a)(1)(A); 26(a)(1)(C) (computing time to file when deadline falls on weekend). The notice was not filed until February 3, 2011. Ms. Park unsuccessfully sought an extension of time to file the notice of appeal in district court. See id. 4(a)(5). In her many documents filed in this court, Ms. Park has argued that this court should grant an extension of time to file the notice of appeal regardless of what the district court decides and also (or perhaps alternatively) that this court should continue tolling this appeal while her post-judgment motions remain pending. She has presented no legal authority to justify either result, however, and we can find none.

Under the circumstances presented here, we dismiss this appeal for lack of appellate jurisdiction.

Entered for the Court,
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script that reads "Lara Smith".

by: Lara Smith
Counsel to the Clerk