

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

November 26, 2013

Elisabeth A. Shumaker
Clerk of Court

LORETTA CASTILLE,

Plaintiff - Appellant,

v.

FIRST TRANSIT, INC.,

Defendant - Appellee.

No. 13-1467
(D.C. No. 1:10-CV-02914-MSK-KMT)

ORDER

Before **LUCERO, HOLMES**, and **BACHARACH**, Circuit Judges.

We raise *sue sponte* the question of whether this court has jurisdiction to consider this appeal. Plaintiff Loretta Castille, proceeding *pro se*, has filed a notice of appeal from the district court's entry of judgment in favor of Defendant First Transit, Inc.

The timely filing of a notice of appeal is both mandatory and jurisdictional. *Bowles v. Russell*, 551 U.S. 205, 214 (2007). The notice of appeal in a civil case "must be filed with the district clerk within 30 days after entry of the judgment or order appealed from." Fed. R. App. P. 4(a)(1)(A). Although courts construe a *pro se* litigant's pleadings liberally, "an appellant's *pro se* status does not excuse the obligation of any litigant to comply with the fundamental requirements of the Federal Rules of [] Appellate Procedure." *Ogden v. San Juan Cnty.*, 32 F.3d 452, 455 (10th Cir. 1994).

In this case, the district court entered judgment in favor of First Transit on August 27, 2013. Ms. Castille filed her notice of appeal more than 30 days later, on November 6, 2013. Thus, the notice of appeal was untimely. Although the notice of appeal makes reference to the bill of costs submitted by First Transit after the district court entered judgment, the district court has not entered an order on costs from which Ms. Castille may appeal. *See* Fed. R. Civ. P. 54(d)(1). Accordingly, we lack jurisdiction to consider this untimely appeal.

We note that First Transit has filed a motion to dismiss this appeal on timeliness grounds. Given our own assessment of the timeliness of the notice of appeal, the motion is well-taken.

Appeal dismissed.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a long horizontal flourish.

ELISABETH A. SHUMAKER, Clerk