

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

August 15, 2016

Elisabeth A. Shumaker
Clerk of Court

IRA JOHNSON,

Plaintiff - Appellant,

v.

AMERICAN HONDA MOTOR CO.,
INC.,

Defendant - Appellee.

No. 16-1263
(D.C. No. 1:15-CV-01867-RBJ)
(D. Colo.)

ORDER

Before **TYMKOVICH**, Chief Judge, **BRISCOE**, and **HARTZ**, Circuit Judges.

Plaintiff Ira Johnson appeals the dismissal of his civil suit against American Honda Motor Company. This matter is before us on Mr. Johnson's response to this court's order questioning the timeliness of this appeal. Mr. Johnson states that he was litigating other cases at the same time and he got his dates mixed up.

The timely filing of a notice of appeal is 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). This court lacks authority to grant any relief from the appeal deadline. The district court may extend the time for filing a notice of appeal based on a

showing of excusable neglect or good cause. Fed. R. App. P. 4(a)(5)(A). However, a party must request the extension within 30 days after the time to appeal expires. *Id.*

In this case, the district court entered judgment in favor of American Honda Motor Company on May 19, 2016. Mr. Johnson filed his notice of appeal 35 days later, on June 23, 2016. The notice of appeal was untimely and the time for moving the district court for an extension of time to appeal has passed.

APPEAL DISMISSED.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read "Jane K. Castro", with a long horizontal flourish extending to the right.

by: Jane K. Castro
Counsel to the Clerk