

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

January 26, 2018

Elisabeth A. Shumaker
Clerk of Court

NICK J. GONZALES,

Plaintiff - Appellant,

v.

CORIZON HEALTH CARE
PROVIDERS; DR. JOSE MARTINEZ;
TISHA ROMERO, R.N., BSN Service
Administrator; GERMAN FRANCO,
Warden; DEPUTY WARDEN OLIVAS;
MICHELLE BOYER, Grievance Officer,

Defendants - Appellees.

No. 18-2004
(D.C. No. 1:15-CV-00890-WJ-GJF)
(D. N.M.)

ORDER

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

This court lacks jurisdiction over this appeal because the notice of appeal was filed late. The notice of appeal was filed more than three months after entry of the order denying the plaintiff's motion for reconsideration.

The order was entered on September 26, 2017, and the notice of appeal was filed on January 8, 2018.

In a civil case, in which the United States is not a party, a notice of appeal must be filed within 30 days of entry of judgment or the order denying a timely motion for reconsideration. *See* 28 U.S.C. § 2107(a) (a notice of appeal in a civil matter must be

filed within 30 days of entry of judgment); Fed. R. App. P. 4(a)(1)(A) (same). *See also* Fed. R. App. P. 4(a)(4)(A). A timely notice of appeal in a civil case is both mandatory and jurisdictional. *See Bowles v. Russell*, 551 U.S. 205, 209, 213 (2007).

Because the notice was filed more than 30 days after entry of the order denying the plaintiff's post-judgment motion, this court lacks jurisdiction. **APPEAL DISMISSED.**

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, appearing to read "Ellen Rich Reiter".

by: Ellen Rich Reiter
Jurisdictional Attorney