

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

July 3, 2018

Elisabeth A. Shumaker
Clerk of Court

GREGORY EDWARD KUCERA,

Plaintiff - Appellant,

v.

SANDIA CORPORATION,

Defendant - Appellee.

No. 18-2096
(D.C. No. 1:18-CV-00166-WJ-LF)
(D. N.M.)

ORDER

Before **HARTZ**, **MATHESON**, and **BACHARACH**, 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 judgment.

Judgment was entered on February 21, 2018, the notice of appeal was filed on June 26, 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. *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). 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 of appeal was filed more than 30 days after entry of judgment,
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