

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

May 26, 2023

**Christopher M. Wolpert
Clerk of Court**

GINA BLANTON,

Plaintiff - Appellant,

v.

LARIMER COUNTY COURTS; DA'S
OFFICE,

Defendants - Appellees.

No. 23-1164
(D.C. No. 1:22-CV-02931-LTB)
(D. Colo.)

GINA BLANTON,

Plaintiff - Appellant,

v.

STATE LARIMER COUNTY COURT,

Defendant - Appellee.

No. 23-1166
(D.C. No. 1:22-CV-01782-LTB)
(D. Colo.)

GINA BLANTON,

Plaintiff - Appellant,

v.

MORGAN COUNTY COURT
COLORADO,

Defendant - Appellee.

No. 23-1167
(D.C. No. 1:22-CV-02476-LTB)
(D. Colo.)

GINA BLANTON,

Plaintiff - Appellant,

v.

JASON YOUNG,

Defendant - Appellee.

No. 23-1168
(D.C. No. 1:22-CV-02930-LTB)
(D. Colo.)

GINA BLANTON,

Plaintiff - Appellant,

v.

JASON YOUNG,

Defendant - Appellee.

No. 23-1170
(D.C. No. 1:22-CV-01538-LTB)
(D. Colo.)

GINA BLANTON,

Plaintiff - Appellant,

v.

JASON YOUNG,

Defendant - Appellee.

No. 23-1171
(D.C. No. 1:22-CV-01728-LTB)
(D. Colo.)

ORDER

Before **HOLMES**, Chief Judge, **PHILLIPS**, and **ROSSMAN**, Circuit Judges.

We raise *sua sponte* the question of whether this court has jurisdiction to consider these six appeals. *See Amazon, Inc. v. Dirt Camp, Inc.*, 273 F.3d 1271, 1274 (10th Cir. 2001) (noting that we have an independent duty to examine our own jurisdiction).

Federal Rule of Appellate Procedure 3(c)(1)(B) provides that the notice of appeal must “designate the judgment—or the appealable order—from which the appeal is taken.” “Rule 3’s dictates are jurisdictional in nature, and their satisfaction is a prerequisite to appellate review.” *Smith v. Barry*, 502 U.S. 244, 248 (1992).

On May 17, 2023, pro se Plaintiff Gina Blanton filed a document transmitted by the district court as a notice of appeal for six cases that is captioned “Gina Blanton vs. Multiple Fraud Dismissed cases in Collusion with lower courts” and lists six district court cases by case number only. The notice of appeal states that Ms. Blanton is “[a]ppealing Former Fraud upon the court by the court decisions in cases involving Judge[s] Gallagher and Babcock.” It also states that Ms. Blanton is “[a]ppealing Final Judgment Due to Violations of Due Process, Federal Rule of Procedure, Fraud upon the court by the court, Ex Parte Communications and intervention by Judge Babcock . . .”

We note that the notice of appeal does not designate the specific judgment or appealable order that was entered for each individual case. Assuming that Ms. Blanton seeks to appeal all six judgments entered into her six cases, we conclude that this court lacks jurisdiction over any of the appeals because the notice of appeal was not timely filed in any case.

The timely filing of the notice of appeal in a civil case is mandatory and jurisdictional. *See Bowles v. Russell*, 551 U.S. 205, 209 (2007). Ms. Blanton's notice of appeal was required to be filed within 30 days after entry of the order or judgment being appealed. *See* 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A).

In appeal nos. 23-1164 and 23-1168, the final orders of dismissal were entered by the district court on December 28, 2022, and the judgments were entered the same day. The notice of appeal was therefore due by January 27, 2023 for each appeal, but was not filed until May 17, 2023.

In appeal no. 23-1167, the final order of dismissal was entered by the district court on December 7, 2022, and the judgment was entered the same day. The notice of appeal was therefore due by January 6, 2023, but was not filed until May 17, 2023.

In appeal no. 23-1166, the final order of dismissal was entered by the district court on September 14, 2022, and the judgment was entered the same day. On October 3, 2022, Ms. Blanton filed a post-judgment motion that tolled the time to appeal under Federal Rule of Appellate Procedure 4(a)(4). The district court denied the post-judgment motion on October 5, 2022, which commenced the time to file an appeal. *See* Fed. R. App. P. 4(a)(4)(A). The notice of appeal was therefore due by November 4, 2022, but was not filed until May 17, 2023.

Finally in appeal nos. 23-1170 and 23-1171, the final orders of dismissal were entered by the district court on September 14, 2022, and the judgments were entered the same day. On October 3, 2022, Ms. Blanton filed a post-judgment motion in each appeal that tolled the time to appeal under Federal Rule of Appellate Procedure 4(a)(4). The

district court denied the post-judgment motions on October 6, 2022, which commenced the time to file an appeal. *See* Fed. R. App. P. 4(a)(4)(A). The notice of appeal was therefore due by Monday, November 7, 2022 for each appeal, but was not filed until May 17, 2023.

Because the notice of appeal was not timely filed in all six cases, we lack jurisdiction to consider any of the six appeals. We have no authority to waive jurisdictional requirements. *See Bowles*, 551 U.S. at 214 (“[T]his Court has no authority to create equitable exceptions to jurisdictional requirements.”). Although Ms. Blanton is proceeding pro se, she still must comply with procedural filing requirements. *See Ogden v. San Juan Cty.*, 32 F.3d 452, 455 (10th Cir. 1994). Further, Ms. Blanton did not file a motion to extend the time to appeal in the district court, and she is beyond the time to do so. *See* 28 U.S.C. § 2107(c); Fed. R. App. P. 4(a)(5).

Accordingly, we dismiss these appeals for lack of jurisdiction.

APPEALS DISMISSED.

Entered for the Court

A handwritten signature in black ink, appearing to read 'Christopher M. Wolpert', with a long horizontal stroke extending to the right.

CHRISTOPHER M. WOLPERT, Clerk