

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 24, 2025

Christopher M. Wolpert
Clerk of Court

DOUGLAS C. HEYL,

Plaintiff - Appellant,

v.

BNSF RAILROAD,

Defendant - Appellee.

No. 25-8051
(D.C. No. 2:25-CV-00133-KHR)
(D. Wyo.)

ORDER

Before **MORITZ, ROSSMAN**, and **FEDERICO**, Circuit Judges.

This matter comes before the court following pro se Appellant Douglas C. Heyl's response to this court's August 26, 2025, jurisdictional show cause order. Mr. Heyl asserts that his notice of appeal was timely filed within thirty days of the district court's order and judgment.

The district court entered its final order and judgment on July 22, 2025. The timely filing of the notice of appeal in a civil case is both mandatory and jurisdictional. *See Bowles v. Russell*, 551 U.S. 205, 209 (2007). In a civil case, a notice of appeal is due within 30 days after the entry of the judgment or order being appealed from. Fed. R. App. P. 4(a)(1)(A). Here, Mr. Heyl's deadline to file his notice of appeal was August 21, 2025. He did not file his notice of appeal until August 22, 2025, after his deadline to do so had run. So, Mr. Heyl's notice of appeal was untimely. Moreover, the deadline by

which Mr. Heyl could cure the untimeliness of his appeal by asking for an extension of time to appeal has passed. Fed. R. App. P. 4(a)(5)(A).

Because the notice of appeal was untimely and the untimeliness can no longer be cured, this court is without jurisdiction to consider this appeal.

APPEAL 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