

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

January 13, 2026

Christopher M. Wolpert
Clerk of Court

GENE ALLEN,

Plaintiff - Appellant,

v.

THE PEOPLE OF THE STATE OF
COLORADO; ADAMS COUNTY
COURT CLERK, Brighton, Colo.

Defendants - Appellees.

No. 26-1005
(D.C. No. 1:09-CV-2089-LTB)
(D. Colo.)

ORDER

Before **MATHESON, BACHARACH**, and **PHILLIPS**, Circuit Judges.

Gene Allen, who appears without counsel, filed a notice of appeal in the U.S. District Court for the District of Colorado that identified six cases as the sources of the appeal. One of the district court cases listed is the case identified in the caption above, a § 1983 prisoner civil rights case that concluded in 2009. Mr. Allen’s notice of appeal does not identify what district court decision he is appealing, which does not comply with our rules. Fed. R. App. P. 3(c)(1)(B) (notice of appeal must “designate the judgment – or the appealable order – from which the appeal is taken”). Assuming that Mr. Allen is

attempting to appeal the 2009 judgment, we *sua sponte* conclude that we lack jurisdiction to consider Mr. Allen’s appeal. *See Amazon, Inc. v. Dirt Camp, Inc.*, 273 F.3d 1271, 1274 (10th Cir. 2001) (“[W]e have an independent duty to examine our own jurisdiction” (citation omitted)).

“This court can exercise jurisdiction only if a notice of appeal is timely filed. A timely notice of appeal is both mandatory and jurisdictional.” *Allender v. Raytheon Aircraft Co.*, 439 F.3d 1236, 1239 (10th Cir. 2006) (quotation omitted). A notice of appeal in a civil case like this one must be filed within 30 days after the district court’s final judgment is entered. 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A). Although Mr. Allen is proceeding pro se, he must comply with the same procedural requirements that govern all litigants. *Kay v. Bemis*, 500 F.3d 1214, 1218 (10th Cir. 2007); *Ogden v. San Juan County*, 32 F.3d 452, 455 (10th Cir. 1994).

In this case, judgment was entered December 11, 2009 [Dist. Ct. ECF 24]. To be timely, the notice of appeal should have been filed by January 11, 2010. Fed. R. App. P. 26(a)(1)(C) (when deadline falls on weekend, due date shifts to next business day). The notice of appeal was filed January 5, 2026 [Dist. Ct. ECF 27], nearly 16 years after the filing deadline expired. To the extent Mr. Allen asks this court in his notice of appeal to make an exception for his untimely filing, the United States Supreme Court has made clear this federal appellate court “has no authority to create equitable exceptions to jurisdictional requirements.” *Bowles v. Russell*, 551 U.S. 205, 214 (2007). As a result, “[t]he time limit has run and we are without jurisdiction under the facts of this case.” *Jenkins v. Burtzloff*, 69 F.3d 460, 464 (10th Cir. 1995).

APPEAL DISMISSED.

Entered for the Court

Per Curiam