

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

FILED
United States Court of Appeals
Tenth Circuit

February 2, 2026

Christopher M. Wolpert
Clerk of Court

BLAINE BAUGHMAN,
Plaintiff - Appellant,

v.

WEREN'T INVITED OCCUPANTS OF
370,
Defendant - Appellee.

No. 26-1018
(D.C. No. 1:25-CV-03202-RTG)
(D. Colo.)

ORDER

Before **McHUGH, EID**, and **CARSON**, Circuit Judges.

This appeal is before us sua sponte to consider the court's jurisdiction over this appeal. *See Hill v. Vanderbilt Cap. Advisors, LLC*, 702 F.3d 1220, 1223 (10th Cir. 2012) (this court has "an independent duty to examine [its] own jurisdiction").

The district court entered judgment against pro se appellant Blaine Baughman on November 20, 2025. Although Mr. Baughman named the United States as a plaintiff in this action, the United States did not file the complaint in the district court and did not enter an appearance in the district court. There is otherwise no indication that the United States or any of its agencies, officers, or employees participated or intended to participate in this action as a plaintiff. Consequently, we conclude that the United States was not a party to the district court action for purposes of determining the deadline to appeal. *See*

United States ex rel. Eisenstein v. City of N.Y., 556 U.S. 928, 935 (2009) (“A person or entity can be named in the caption of a complaint without necessarily becoming a party to the action”); *United States ex rel. Petrofsky v. Van Cott, Bagley, Cornwall, McCarthy*, 588 F.2d 1327, 1329 (10th Cir. 1978) (“[c]ourts have not hesitated to apply the 30-day rule . . . when the United States’ interest is tangential or nominal”); *Jones v. Propstone LLC*, 726 F. App’x 718, 720 (10th Cir. 2018) (when federal entity was not served, did not appear, and did not participate in the action, it was not a party for purposes of determining the deadline to appeal).

“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). Because we conclude that the United States was not a party to the district court action, the time to appeal the district court’s judgment was 30 days. Accordingly, Mr. Baughman needed to file his notice of appeal by December 22, 2025. 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a). Mr. Baughman did not file his notice of appeal until January 16, 2026, after the deadline had expired.

This court has no authority to ignore the jurisdictional requirement to file a timely notice of appeal. *Bowles v. Russell*, 551 U.S. 205, 214 (2007). So, “[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