

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

April 15, 2026

Christopher M. Wolpert
Clerk of Court

MANETIRONY CLERVRAIN,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA, et al.,

Defendants - Appellees.

No. 26-3071
(D.C. No. 5:17-CV-03194-JWL)
(D. Kan.)

ORDER

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

This matter is before the court of its own initiative to consider its 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”).

Manetirony Clervrain—who proceeds without the benefit of counsel—filed a notice of appeal in the district court from which this court opened this appeal. Upon consideration of the district court docket and the applicable law, the court dismisses this appeal for the reasons set forth below.

Mr. Clervrain filed the case underlying this appeal in the District of Kansas in October 2017, seeking information from the Bureau of Prisons under the Freedom of Information Act. After the district court dismissed one claim and declined to reconsider a previous procedural order, Mr. Clervrain filed an interlocutory appeal, which this court

dismissed for failure to prosecute when Mr. Clervrain failed to respond to a jurisdictional show cause order. *See Clervrain v. United States, et al.*, No. 18-3087 (10th Cir. May 15, 2018).

The district court dismissed the underlying case in its entirety on September 19, 2018. [DC Dkt. Nos. 54, 55]. Mr. Clervrain—then a federal prisoner—again appealed, and this court concluded that the Prison Litigation Reform Act (the “PLRA”) applied to the appeal. When Mr. Clervrain failed to prepay the appellate filing fee as this court directed, the court dismissed Mr. Clervrain’s appeal for failure to prosecute. *See Clervrain v. United States, et al.*, No. 18-3216 (10th Cir. June 12, 2019), *cert. denied*, No. 19-7842 (April 20, 2020).

Mr. Clervrain then filed various post-judgment motions, which the district court denied. Mr. Clervrain again appealed, but this court dismissed Mr. Clervrain’s second appeal as untimely filed and seeking review of rulings beyond the jurisdiction of this court. *See Clervrain v. United States, et al.*, No. 21-3040 (10th Cir. July 12, 2021).

In 2021, 2022, and 2024, Mr. Clervrain filed multiple motions in the district court, seeking, among other things, leave to amend his complaint. The district court denied Mr. Clervrain’s motions, with the last order entered on June 17, 2024. [*See* DC Dkt. Nos. 128, 133, 136, 139, and 141].

Nearly five years after this court dismissed Mr. Clervrain’s third appeal and nearly two years after the district court last entered an order in the underlying case, Mr. Clervrain filed the notice of appeal from which this court opened this, his fourth appeal from the underlying case.

Upon consideration of the district court's docket and the applicable law, the court dismisses Mr. Clervrain's appeal for the reasons discussed below.

The Federal Rules of Appellate Procedure require, in cases such as this one where one of the parties is the United States, that a notice of appeal be filed within 60 days after the entry of the judgment or order appealed from. Fed. R. App. P. 4(a)(1)(B). The Supreme Court has held that "the timely filing of a notice of appeal in a civil case is a jurisdictional requirement." *Bowles v. Russell*, 551 U.S. 205, 214 (2007).

Mr. Clervrain's pro se status does not affect this requirement, *see Mayfield v. U.S. Parole Comm'n*, 647 F.2d 1053, 1055 (10th Cir. 1981) (dismissing pro se appeal filed three days late), nor does this court have authority to make equitable exceptions to jurisdictional requirements. *See Bowles*, 551 U.S. at 216.

Here, the district court last entered an order in the underlying case on June 20, 2024. [DC Dkt. No. 146]. Mr. Clervrain did not file his notice of appeal until April 13, 2026: nearly two years after the deadline had passed for him to do so. Accordingly, "[t]he time limit has run and we are without jurisdiction under the facts of this case." *Jenkins v. Burtzloff*, 69 F.2d 460, 464 (10th Cir. 1995).

Further, if and to the extent Mr. Clervrain seeks to appeal this court's dismissal of any one or more of his three previous appeals from the underlying case or to again appeal any of the orders he previously appealed, such an appeal is procedurally improper. *See* Sup. Ct. R. 12 (providing for a petition for writ of certiorari to review a judgment entered by the court of appeals); Sup. Ct. R. 13 (providing that a petition for writ of certiorari must be filed within 90 days after entry of judgment); *cf. United States v. Mendes*,

912 F.2d 434, 438 (10th Cir. 1990) (holding that litigants are not entitled to second appeal of same order(s)).

For these reasons, the court is without jurisdiction to consider this appeal.

APPEAL DISMISSED.

Entered for the Court

Per Curiam