

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-10192
Non-Argument Calendar

D.C. Docket No. 6:16-cv-00425-CEM-TBS

MICHAEL RUBEN JAMES,

Petitioner-Appellant,

versus

SECRETARY, DEPARTMENT OF CORRECTIONS,
ATTORNEY GENERAL, STATE OF FLORIDA,

Respondents-Appellees.

Appeal from the United States District Court
for the Middle District of Florida

(January 11, 2019)

Before WILLIAM PRYOR, JILL PRYOR and ANDERSON, Circuit Judges.

PER CURIAM:

Michael Ruben James appeals *pro se* the denial of his motion to reopen the period to appeal the dismissal of his petition for a writ of habeas corpus, 28 U.S.C. § 2254, and his motion for reconsideration, Fed. R. Civ. P. 60(b). The district court ruled that James's motion to reopen was untimely and that it was "not authorized to reopen the appeal time." We affirm.

We review for abuse of discretion the denial of motions to reopen and for reconsideration. See *McDaniel v. Moore*, 292 F.3d 1304, 1305 (11th Cir. 2002) (motion to reopen); *Rice v. Ford Motor Co.*, 88 F.3d 914, 919 (11th Cir. 1996) (motion for reconsideration). We construe liberally *pro se* filings. *Boxer X v. Harris*, 437 F.3d 1107, 1110 (11th Cir. 2006).

A party in a civil action must file a notice of appeal within 30 days of the entry of the order being appealed. Fed. R. App. P. 4(a)(1)(A). That deadline is mandatory and jurisdictional, *Bowles v. Russell*, 551 U.S. 205, 214 (2007), but an exception exists for the district court to "reopen the time to appeal for a period of 14 days" if a party was not timely served with the judgment, Fed. R. App. P. 4(a)(6). To be eligible for relief, the party must file his motion to reopen "within 180 days after the judgment or order is entered or within 14 days after the moving party receives notice . . . , whichever is earlier," Fed. R. App. P. 4(a)(6)(B).

The district court did not abuse its discretion when it denied James's motions to reopen and to reconsider. James was ineligible for relief under Rule

4(a)(6). *See Vencor Hosps., Inc. v. Standard Life & Acc. Ins. Co.*, 279 F.3d 1306, 1309 (11th Cir. 2002). After James received the order denying his petition for a writ of habeas corpus on August 2, 2017, he had 14 days, or until August 16, 2017, to file his motion to reopen. *See* Fed. R. App. P. 4(a)(6)(B). The motion that James filed on October 25, 2017, 84 days after he received notice of the judgment, was untimely. And James's motion for reconsideration lacked merit. Because the time to file an appeal in a civil case is jurisdictional, *Bowles*, 551 U.S. at 214, the district court lacked authority to reopen the time for James to appeal after the 14-day deadline expired.

We **AFFIRM** the denial of James's postjudgment motions.