

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 23-11481

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REGINALD JOHNSON,

Plaintiff-Appellant,

*versus*

THE CITY OF SATSUMA, ALABAMA,  
MAURICE KIRK HARLESS,  
Owner of MKH Properties,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Alabama  
D.C. Docket No. 1:22-cv-00255-KD-MU

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Order of the Court

23-11481

Before JORDAN, NEWSOM, and LUCK, Circuit Judges.

BY THE COURT:

The motion to dismiss filed by the City of Satsuma, Alabama is DENIED and this appeal may proceed. Reginald Johnson appeals the district court's December 13, 2022 order and judgment dismissing his complaint with prejudice and imposing a filing injunction. The City argues the appeal is untimely because Johnson filed his notice of appeal on April 27, 2023. However, Johnson's January 3, 2023 filing titled as an objection to the December 13, 2022 order and judgment was a timely tolling motion under Fed. R. App. P. 4(a)(4)(A) because it challenged the merits of the district court's ruling. Therefore, Johnson was required to appeal within 30 days of the district court's July 7, 2023 paperless order striking the tolling motion, *i.e.*, by August 7, 2023. *See id.* R. 4(a)(1)(A), 4(a)(4)(A), 26(a)(1). His April 27 notice, filed before the expiration of that deadline, became effective after the court struck his tolling motion. *See id.* R. 4(a)(4)(B)(i).