

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-12325

Non-Argument Calendar

ELIZABETH KORCZ,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Alabama
D.C. Docket No. 2:23-cv-08002-RDP

Before WILSON, NEWSOM, and LAGOA, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. The 60-day statutory time limit required Elizabeth Korcz to file a notice of appeal from the district court’s April 18, 2023 memorandum opinion and separate order denying her 28 U.S.C. § 2255 motion to vacate on or before June 20, 2023. *See* 28 U.S.C. § 2107(b); Fed. R. App. P. 4(a)(1)(B), 26(a)(1)(C). However, Korcz did not file her notice of appeal until July 11, 2023.

Further, the district court entered its final order in a document separate and apart from its accompanying memorandum opinion, so the time to appeal began to run that day—April 18, 2023. *See* Fed. R. Civ. P. 58(a) (providing that every judgment must generally “be set out in a separate document”); Fed. R. App. P. 4(a)(7) (stating that when a separate document is required, a judgment or order is deemed entered for timeliness purposes when it is set forth on a separate document or 150 days have passed from entry of the judgment or order in the civil docket, whichever is earlier); *State Nat’l Bank of El Paso v. United States*, 488 F.2d 890, 892-93 (5th Cir. 1974); *Weinberger v. United States*, 559 F.2d 401, 402 & n.1 (5th Cir. 1977); *Wright v. Preferred Research, Inc.*, 937 F.2d 1556, 1560 (11th Cir. 1991). Accordingly, the notice of appeal is untimely and cannot invoke our appellate jurisdiction. *See Green v. Drug Enf’t Admin.*, 606 F.3d 1296, 1300 (11th Cir. 2010).

23-12325

Opinion of the Court

3

All pending motions are DENIED as MOOT. No petition for rehearing may be filed unless it complies with the timing and other requirements of 11th Cir. R. 40-3 and all other applicable rules.