

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-13925

Non-Argument Calendar

JOHN DAVID STAHLMAN,

Petitioner,

versus

FEDERAL BUREAU OF INVESTIGATION,
UNITED STATES OF AMERICA,

Respondents.

Petition for Review of a Decision of the
Department of Justice
Agency No. 68280-018

Before WILSON, BRASHER, and ABUDU, CIRCUIT JUDGES.

PER CURIAM:

The petition for review is DISMISSED, *sua sponte*, for lack of jurisdiction. John Stahlman, a prisoner proceeding *pro se*, filed with us a petition for review of a final decision of the Bureau of Prisons (“BOP”), made under its administrative remedy program, excluding him from using the Trust Fund Limited Inmate Communication System Public Messaging Service. Stahlman challenged this decision in the United States District Court for the Middle District of Florida in a civil action prior to filing his petition here, and the district court dismissed that action and entered a final judgment on July 17, 2023.

Nevertheless, Stahlman specifically states in his petition that he seeks our review from the BOP’s final decision, not the July 17, 2023, final judgment in his earlier district court action. Stahlman cannot invoke our review directly because there is not any statutory authority for us to review decisions made under the BOP’s administrative remedy program. See *PPG Indus., Inc. v. Harrison*, 587 F.2d 237, 242 (5th Cir. 1979), *rev’d on other grounds*, 446 U.S. 578 (1980); *City of Baton Rouge v. U.S. EPA*, 620 F.2d 478, 480 (5th Cir. 1980); 5 U.S.C. §§ 702, 703; *In re School Bd. of Broward Cnty.*, 475 F.2d 1117, 1118–19 (5th Cir. 1973).

Furthermore, even if Stahlman’s *pro se* petition were liberally construed as a notice of appeal from the district court’s July 17,

23-13925

Opinion of the Court

3

2023, final judgment dismissing his civil action, it is untimely as to that judgment. *See United States v. Padgett*, 917 F.3d 1312, 1317 (11th Cir. 2019). The deadline to appeal from the final judgment was September 15, 2023. *See* 28 U.S.C. § 2107(b); Fed. R. App. P. 4(a)(1)(B). However, Stahlman filed his petition, at the earliest, on November 21, 2023. *See* Fed. R. App. P. 4(c); *Jeffries v. United States*, 748 F.3d 1310, 1314 (11th Cir. 2014); *Daniels v. United States*, 809 F.3d 588, 589 (11th Cir. 2015). Accordingly, we lack jurisdiction. *See Hamer v. Neighborhood Hous. Servs. of Chi.*, 138 S. Ct. 13, 21 (2017); *Green v. Drug Enf't Admin.*, 606 F.3d 1296, 1300–02 (11th Cir. 2010).

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.