

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-14165

Non-Argument Calendar

DALVIN DENSON,

Petitioner-Appellant,

versus

SECRETARY, DEPARTMENT OF CORRECTIONS,
FLORIDA ATTORNEY GENERAL,

Respondents-Appellees.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 3:20-cv-00890-MMH-PDB

Before ROSENBAUM, NEWSOM, and LUCK, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Dalvin Denson, proceeding *pro se*, filed a petition pursuant to 28 U.S.C. § 2254, which the district court denied in a final judgment. Denson timely filed a motion that the district court construed as a motion for an extension of time to appeal from the final judgment pursuant to Federal Rule of Appellate Procedure 4(a)(5). The district court granted an extension, requiring Denson to file a notice of appeal by November 24, 2023. However, Denson did not file a notice of appeal until December 20, 2023.

Denson's notice of appeal cannot invoke our jurisdiction because it was not filed by the extended deadline to appeal. *See* 28 U.S.C. § 2107(c); Fed. R. App. P. 4(a)(5)(A); *Harris v. Ballard*, 158 F.3d 1164, 1166 (11th Cir. 1998).

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.