

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-10033

Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TODD STEPHENS,

Defendant-Appellant,

PNC MORTGAGE,

a division of PNC Bank National Association, et al.,

Defendants.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 9:23-cv-80043-AHS

Before JORDAN, BRASHER, and ABUDU, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Todd Stephens, proceeding *pro se*, appeals from the district court's final judgment in favor of the United States and our dismissal of his previous appeal, which also was from that judgment, for failure to pay the filing fee.

The 60-day statutory time limit required Stephens to file a notice of appeal from the district court's October 13, 2023 final judgment on or before December 12, 2023. *See* 28 U.S.C. § 2107(b); Fed. R. App. P. 4(a)(1)(B). However, Stephens did not file the instant notice of appeal until January 2, 2024. Further, there is no basis in the record for relief under Federal Rules of Appellate Procedure 4(a)(5) or 4(a)(6) because Stephens did not move to extend or reopen the appeal period or indicate in his notice of appeal that he failed to receive formal notice of the entry of judgment. *See* Fed. R. App. P. 4(a)(5)-(6). Accordingly, the notice of appeal is untimely and cannot invoke our appellate jurisdiction. *See Hamer v. Neighborhood Hous. Servs. of Chi.*, 138 S. Ct. 13, 21 (2017).

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Additionally, Stephens cannot challenge our dismissal of his previous appeal via a notice of appeal. *See* 28 U.S.C. § 1294(1). He filed a motion to reinstate that appeal but did not submit the filing fee with his motion. *See* 11th Cir. Rule 42-1(b), 42-2(c).

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.