

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 23-11029-C

PETER GEORGACARAKOS,

Petitioner-Appellant,

versus

WARDEN, FCC COLEMAN-MEDIUM,

Respondent-Appellee.

Appeal from the United States District Court
for the Middle District of Florida

Before: WILSON, ROSENBAUM, and LAGOA, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED IN PART, *sua sponte*, for lack of jurisdiction because Peter Georgacarakos's notice of appeal, deemed filed on March 24, 2023, was untimely to appeal from the district court's September 1, 2022 order and September 2, 2022 judgment dismissing his 28 U.S.C. § 2241 petition for a writ of habeas corpus without prejudice. *See Green v. Drug Enf't Admin.*, 606 F.3d 1296, 1300-02 (11th Cir. 2010); Fed. R. App. P. 4(a)(1)(B), (c)(1); *Jeffries v. United States*, 748 F.3d 1310, 1314 (11th Cir. 2014). Furthermore, while Georgacarakos's first motion for reconsideration tolled the period to appeal from the September 2, 2022 judgment, his second motion for reconsideration did not because it was filed more than 28 days after that judgment and raised substantially similar challenges to the order dismissing his petition as his first motion for reconsideration. *See Fed. R. App. P. 4(a)(4)(A); Fed. R. Civ. P. 59(e); Wansor*

v. George Hantscho Co., 570 F.2d 1202, 1206, n.5 (5th Cir. 1978); *Wright v. Preferred Research, Inc.*, 891 F.2d 886, 889 (11th Cir. 1990). However, Georgacarakos's March 24, 2023 notice of appeal was timely to appeal from the district court's March 21, 2023 order denying his second motion for reconsideration, and, because his second motion for reconsideration tolled the time to appeal the court's denial of his first motion for reconsideration, his notice of appeal is also timely as to the court's October 17, 2022 order denying his first motion for reconsideration. *See* Fed. R. App. P. 4(a)(1)(B), (a)(4)(A); Fed. R. Civ. P. 59(e); *Williams v. Bolger*, 633 F.2d 410, 413 (5th Cir. 1980).

Accordingly, Georgacarakos's appeal is dismissed to the extent he challenges the district court's order and judgment dismissing his § 2241 petition and may proceed only as to his challenge to the district court's October 17, 2022 and March 21, 2023 orders. No motion for reconsideration may be filed unless it complies with the timing and other requirements of 11th Cir. R. 27-2 and all other applicable rules.