

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-12304

Non-Argument Calendar

CHRISTOPHER A. BALL,

Petitioner-Appellant,

versus

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,
ATTORNEY GENERAL, STATE OF FLORIDA,

Respondents-Appellees.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:14-cv-00336-MSS-TGW

Before JORDAN, ROSENBAUM, and LUCK, Circuit Judges.

PER CURIAM:

We issued a jurisdictional question regarding whether Christopher Ball’s notice of appeal was timely filed. Ball did not file a response. Upon review of the appellees’ response, as well as the record, we conclude that this appeal is untimely and DISMISS it for lack of jurisdiction.

On June 28, 2021, the district court entered judgment denying Ball’s 28 U.S.C. § 2254 petition. The deadline to file a notice of appeal from that judgment was July 28, 2021. *See* 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A); *Brown v. United States*, 748 F.3d 1045, 1061, 1062 n.40 (11th Cir. 2014).

In July 2023, the district court received a “Belated Notice of Appeal,” which Ball dated June 28, 2023. Ball included with that belated notice a copy of an original notice of appeal that he asserted was timely filed. Ball’s original notice of appeal bore an institutional stamp marking it as provided to prison authorities for mailing on July 23, 2021, but it was noncompliant with Fed. R. App. P. 4(c) because it did not contain a declaration, notarized statement, or other evidence indicating prepayment of postage. *See* Fed. R. App. P. 4(c)(1)(A). In the more than two years since Ball purportedly mailed the original notice of appeal, he has not provided to the district court or us, despite our identification of the issue in the jurisdictional question, any information as to whether the original

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notice was deposited for mailing with prepaid postage by the July 28, 2021, deadline to appeal the judgment. Thus, the prison mailbox rule does not apply. See Fed. R. App. P. 4(c); *Jeffries v. United States*, 748 F.3d 1310, 1314 (11th Cir. 2014). Because Ball did not timely file a notice of appeal, 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 (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.