

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-13812

Non-Argument Calendar

FRANTZ GERMAIN,

Plaintiff-Appellant,

versus

STATE OF CALIFORNIA,
COMMISSIONER OF PLACER COUNTY,
EDWARD MISLEH,
THE STATE BAR OF CALIFORNIA,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 0:22-cv-60601-RS

Before ROSENBAUM, BRANCH, and LUCK, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Frantz Germain appeals the district court's March 10, 2023 order dismissing his case. Because the district court did not set forth a judgment on a separate document, judgment was deemed entered 150 days later, or on August 7, 2023. Germain had 30 days from that date to file his notice of appeal, or until September 6, 2023. Fed. R. App. P. 4(a)(7)(A)(ii). However, Germain did not file his notice of appeal until November 2, 2023.

Further, there is no basis in the record for relief under Federal Rules of Appellate Procedure 4(a)(5) or 4(a)(6). *See* Fed. R. App. P. 4(a)(5) (providing that a party may move to extend the time for filing a notice of appeal within 30 days of entry of final order), 4(a)(6)(A) (providing that the court may reopen the time to file an appeal for a period of 14 days where a party does not receive notice of the entry of the judgment). 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).

23-13812

Opinion of the Court

3

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.