

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-10677

Non-Argument Calendar

MARIA NAVARRO MARTIN,

Petitioner-Appellant,

versus

SECRETARY, DEPARTMENT OF CORRECTIONS,

Respondent-Appellee.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 6:23-cv-00149-RBD-EJK

Before ROSENBAUM, BRANCH, and LUCK, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. In February 2024, Maria Martin, a Florida state prisoner proceeding *pro se*, mailed the district court a notice of appeal from the denial of her 28 U.S.C. § 2254 petition for writ of habeas corpus. Martin previously filed a timely notice of appeal from the district court's denial of her petition, and that appeal remains pending in our case number 23-13123.

To the extent that Martin intends to again appeal the final order and judgment in this case, her appeal is untimely and duplicative. The statutory time limit required Martin to file a notice of appeal on or before October 18, 2023, which was 30 days after the district court entered judgment on September 18, 2023. *See* Fed. R. Civ. P. 58(a); Fed. R. App. P. 4(a)(7)(A). However, Martin did not file the instant notice of appeal until February 26, 2024. *See* Fed. R. App. P. 4(c)(1); *Jeffries v. United States*, 748 F.3d 1310, 1314 (11th Cir. 2014) (noting that a *pro se* prisoner's notice of appeal is deemed filed on the date that he delivered it to prison authorities for mailing, and absent contrary evidence, we assume that a prisoner delivered a filing on the date he signed it).

Additionally, there is no basis in the record for relief under Federal Rules of Appellate Procedure 4(a)(5) or 4(a)(6). Accordingly, the notice of appeal is untimely and cannot invoke our appellate jurisdiction. *See Green v. Drug Enf't Admin.*, 606 F.3d 1296,

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1300 (11th Cir. 2010) (noting that the timely filing of a notice of appeal in a civil case is a jurisdictional requirement, and we cannot entertain an appeal that is out of time).

Even if Martin’s instant notice of appeal was timely, it is duplicative of her earlier and pending appeal because it challenges the same judgment. *See United States v. Arlt*, 567 F.2d 1295, 1297 (5th Cir. 1978) (holding that an appellant “is not entitled to two appeals” from the same judgment); *I.A. Durbin, Inc. v. Jefferson Nat’l Bank*, 793 F.2d 1541, 1551–52 (11th Cir. 1986) (noting that we have inherent administrative power to dismiss duplicative litigation to avoid wasting judicial resources).

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.