

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-11071

Non-Argument Calendar

JAMES W. PARCHER,

Petitioner-Appellant,

versus

SECRETARY, 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. 6:21-cv-01904-WWB-LHP

Before NEWSOM, BRASHER, and ABUDU, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction because James Parcher's notice of appeal, deemed filed on March 26, 2024, is untimely to appeal from the district court's final order and judgment. *See Green v. Drug Enf't Admin.*, 606 F.3d 1296, 1300 (11th Cir. 2010). This is Parcher's second appeal from the final order and judgment. His first appeal is No. 23-13144, which he referenced in his second notice of appeal, and it appears he filed the second notice to ensure the district court forwards the record to us.

Parcher filed a timely tolling motion from the final order and judgment, and the 30-day appeal deadline began to run once the district court denied his motion on August 21, 2023. *See Fed. R. App. P. 4(a)(4)(A); Fed. R. Civ. P. 59(b), (e)*. The instant, second notice of appeal was filed about seven months after the denial of his post-judgment motion, several months outside of the 30-day appeal deadline. *See 28 U.S.C. § 2107(a)*. This second appeal is thus untimely and must be dismissed. *See id.; Green*, 606 F.3d at 1300.

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.