

[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 24-11516

Non-Argument Calendar

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TERRENCE EUGENE SMITH, SR.,  
PAMELA KATHLEEN ASHE-SMITH,

Plaintiffs-Appellants,

*versus*

WAFFLE HOUSE, INC.,  
c/o Gregory Newman,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Georgia

D.C. Docket No. 1:23-cv-02136-SDG

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Before ROSENBAUM, LUCK, and LAGOA, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. The 30-day statutory time limit required Terrence Smith, Sr., and Pamela Ashe-Smith (“the Smiths”) to file a notice of appeal from the district court’s April 1, 2024 final judgment on or before May 1, 2024. *See* 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A). However, the Smiths did not file a notice of appeal until May 6, 2024.

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 expiration of the appeal period), 4(a)(6) (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 within 21 days of its entry and other requirements are met). 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).

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.