

[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 24-11636

Non-Argument Calendar

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STANLEY SHEPPARD,

Plaintiff-Appellant,

*versus*

ROBINS AIR FORCE BASE,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Middle District of Georgia  
D.C. Docket No. 5:23-cv-00336-MTT

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Before JORDAN, JILL PRYOR, and LUCK, Circuit Judges.

PER CURIAM:

Stanley Sheppard, *pro se*, challenges the district court’s January 31, 2024 judgment dismissing his amended complaint for failure to state a claim. The notice of appeal is untimely to appeal from the January 31 judgment. Sheppard had until April 1, 2024—the first business day following 60 days after the district court’s January 31 entry of judgment—to challenge the judgment. *See* 28 U.S.C. § 2107(b); Fed. R. App. P. 4(a)(1)(B), 26(a)(1)(C). However, he did not file a notice of appeal until May 15, 2024. Additionally, his motion for reconsideration, filed on May 14, 2024, was untimely to toll the appeal period because it was filed more than 28 days after the judgment. *See* Fed. R. App. P. 4(a)(4)(A); Fed. R. Civ. P. 59(e). We therefore lack jurisdiction to review the district court’s January 31 judgment. *See Browder v. Dir., Dep’t of Corr.*, 434 U.S. 257, 265-69 (1978) (holding that untimely motion that challenged the appealed order “could not toll the running of the time to appeal under Rule 4(a)” and that appellate court “therefore lacked jurisdiction to review the order”); *Green v. Drug Enf’t Admin.*, 606 F.3d 1296, 1299-1301 (11th Cir. 2010) (dismissing appeal from dismissal order where motion for reconsideration was not timely filed because the timely filing of a notice of appeal in a civil case is a jurisdictional requirement).

Accordingly, this appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. No petition for rehearing may be filed unless it

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complies with the timing and other requirements of 11th Cir. R. 40-3 and all other applicable rules.