

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-10326

Non-Argument Calendar

MATTHEW A. TOBIN,

Plaintiff-Appellant,

versus

FLORIDA DEPARTMENT OF CORRECTIONS,
OKALOOSA CORRECTIONAL INSTITUTION,
FLORIDA STATE PRISON,
CHARLOTTE CORRECTIONAL INSTITUTION,
SANTA ROSA CORRECTIONAL INSTITUTION,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Florida
D.C. Docket No. 3:24-cv-00356-MCR-HTC

Before ROSENBAUM, NEWSOM, and GRANT, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction.

The 30-day statutory time limit required Matthew Tobin, a state prisoner proceeding *pro se*, to file a notice of appeal from the district court's December 13, 2024, final judgment on or before January 13, 2025. *See* 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A). However, Tobin's notice of appeal is not deemed filed, under the prison mailbox rule, until January 22, 2025. *See Jeffries v. United States*, 748 F.3d 1310, 1314 (11th Cir. 2014). Further, the record contains no basis 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 judgment); *id.* R. 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 Green v. Drug Enf't Admin.*, 606 F.3d 1296, 1300 (11th Cir. 2010).

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Opinion of the Court

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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. All pending motions are DENIED as moot.