

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 25-10900

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DAVID MCCLENDON,

Plaintiff-Appellant,

*versus*

CHIEF JUDGE, BIBB COUNTY STATE COURT,  
STATE OF GEORGIA,  
Civil and Magistrate Courts, Bibb County,  
PETTIS,  
Sex Offender Registration, Bibb County,

Defendants-Appellees.

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

D.C. Docket No. 5:24-cv-00393-MTT

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Before BRANCH, GRANT, and LAGOA, Circuit Judges.

BY THE COURT:

The Court's April 14, 2025 order is VACATED and replaced with this order.

This appeal is DISMISSED IN PART, *sua sponte*, for lack of jurisdiction because David McClendon's notice of appeal, filed on March 19, 2025, is untimely to appeal from the district court's January 13, 2025 final judgment dismissing the case without prejudice. *See* Fed. R. App. P. 4(a)(1)(A); 28 U.S.C. § 2107(a); *Green v. Drug Enf't Admin.*, 606 F.3d 1296, 1300 (11th Cir. 2010) (providing that in a civil case, a timely notice of appeal is a jurisdictional requirement). McClendon's motion for reconsideration of that dismissal, filed on February 11, 2025, was not timely to toll the appeal deadline. *See* Fed. R. App. P. 4(a)(4)(A); *Browder v. Dir., Dep't of Corr.*, 434 U.S. 257, 265-69 (1978); *Green*, 606 F.3d at 1299-1302 (providing that an untimely motion filed pursuant to Fed. R. App. P. 4(a)(4) cannot toll the appeal period). However, McClendon's notice of appeal is timely to appeal from the court's March 4, 2025 order denying his motion for reconsideration. *See* Fed. R. App. P. 4(a)(1)(A); 28 U.S.C. § 2107(a).

Accordingly, McClendon's appeal is dismissed to the extent he challenges the January 13, 2025 final judgment and may proceed only as to his challenge to the March 4, 2025 order. No motion for

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Order of the Court

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reconsideration may be filed unless it complies with the timing and other requirements of 11th Cir. R. 27-2 and all other applicable rules.