

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13985
Non-Argument Calendar

MICHAEL ANTHONY LORUSSO,

Petitioner-Appellant,

versus

BRUCE BARTLETT,

State Attorney of Pinellas Circuit Court,
SECRETARY FLORIDA DEPARTMENT OF CHILDREN
AND FAMILIES,

Respondents-Appellees.

Appeal from the United States District Court
for the Northern District of Florida
D.C. Docket No. 4:25-cv-00221-TKW-MAF

Before LAGOA, BRASHER, and ABUDU, Circuit Judges.

PER CURIAM:

Michael LoRusso, a civil detainee proceeding pro se, appeals from the district court's September 15, 2025 final order and judgment dismissing his case. LoRusso filed an undated notice of appeal that was mailed in an envelope postmarked November 5, 2025.

A jurisdictional question ("JQ") asked the parties to address whether the notice of appeal was timely. LoRusso, the only party who has appeared in the action, filed a JQ response that did not address whether his notice was timely.

Accordingly, we remanded this appeal to the district court for the limited purpose of determining when the notice of appeal was filed and supplementing the record on appeal with that finding. *See* Fed. R. App. P. 4(c)(1); *Jeffries v. United States*, 748 F.3d 1310, 1314 (11th Cir. 2014) (noting that, absent contrary evidence, we will assume that a prisoner's filing was delivered to prison authorities on the day that he signed it); *Sanders v. United States*, 113 F.3d 184, 186 n.2 (11th Cir. 1997) (providing that, when necessary, the determination of the date a prisoner delivered his notice of appeal to prison authorities is a factual question for the district court to resolve on remand).

On remand, the district court ordered the parties to submit evidence as to when LoRusso gave his notice of appeal to institutional officials for mailing. No party responded. Thus, the district court determined that the notice of appeal was given to institutional authorities for mailing on the postmark date of the envelope the notice of appeal was mailed in: November 5, 2025.

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Thus, LoRusso's notice of appeal, deemed filed under the prison mailbox rule on November 5, 2025, is untimely to challenge the September 15, 2025 judgment. *See Green v. Drug Enf't Admin.*, 606 F.3d 1296, 1300-02 (11th Cir. 2010) (holding that a timely notice of appeal is a jurisdictional requirement in a civil case); Fed. R. App. P. 4(a)(1)(A) (providing that a notice of appeal must be filed within 30 days after the judgment or order appealed from is entered if there is not a federal party), 4(c)(1).

This appeal is DISMISSED for lack of jurisdiction. All pending motions are DENIED as moot.