

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 25-14087

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UNITED STATES OF AMERICA,

*Plaintiff-Appellee,*

*versus*

DISHAY HENDERSON,

a.k.a. Speedy,

a.k.a. Black,

*Defendant-Appellant.*

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Appeal from the United States District Court  
for the Northern District of Florida  
D.C. Docket No. 4:22-cv-00119-MW-MAL

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Before BRANCH, GRANT, and LUCK, Circuit Judges.

BY THE COURT:

Dishay Henderson, a federal prisoner proceeding pro se, filed a 28 U.S.C. § 2255 motion that the district court denied in a final order and judgment entered on June 13, 2025. The district court denied Henderson's motion for relief under Federal Rule of

Civil Procedure 60(b) in an order entered on August 28, 2025. On September 26, 2025, Henderson filed a notice of appeal challenging both denials.

Henderson's notice of appeal is untimely to challenge the district court's June 13, 2025, final judgment. See 28 U.S.C. § 2107(b)(1); Fed. R. App. P. 4(a)(1)(B)(i). To timely seek review of the final judgment, Henderson needed to file a notice of appeal by August 12, 2025. See 28 U.S.C. § 2107(b)(1); Fed. R. App. P. 4(a)(1)(B)(i); *United States v. Jordan*, 915 F.2d 622, 628 (11th Cir. 1990) (explaining that § 2255 proceedings are civil in nature). Henderson's Rule 60(b) motion was filed, under the prison mailbox rule, more than 28 days after the district court entered final judgment and, thus, did not toll the time to appeal. See Fed. R. App. P. 4(a)(4)(A); Fed. R. Civ. P. 59(e); *Browder v. Dir., Dep't of Corr. of Ill.*, 434 U.S. 257, 267-72 & n.7 (1978). His notice of appeal, deemed filed on September 26, 2025, under the prison mailbox rule, is therefore untimely, and we lack jurisdiction to review the final judgment. See *Green v. Drug Enf't Admin.*, 606 F.3d 1296, 1300 (11th Cir. 2010); *Houston v. Lack*, 487 U.S. 266, 276 (1988); Fed. R. App. P. 4(c)(1).

However, because Henderson's notice of appeal was filed within 60 days of the entry of the district court's August 28, 2025, order denying his Rule 60(b) motion, his notice is timely to challenge that order. See 28 U.S.C. § 2107(b)(1); Fed. R. App. P. 4(a)(1)(B)(i).

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Order of the Court

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Accordingly, this appeal is DISMISSED, in part, as to the June 13, 2025, final order and judgment and may proceed as to only the August 28, 2025, order. No motion for reconsideration may be filed unless it complies with the timing and other requirements of 11th Cir. R. 27-2 and all other applicable rules.