

NOT FOR PUBLICATION

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 26-10231  
Non-Argument Calendar

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COREY FOUNTAIN, SR.,

*Plaintiff-Appellant,*

JANAY FOUNTAIN,

*Plaintiff,*

*versus*

J. DIAZ,

(34301),

J. SLACK,

(34413),

H. SPRADLIN,

(34557),

S. RODRIGUEZ,

(31555),

*Defendants-Appellees.*

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Appeal from the United States District Court  
for the Middle District of Florida  
D.C. Docket No. 6:24-cv-01267-AGM-RMN

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Before JILL PRYOR, GRANT, and KIDD, Circuit Judges.

PER CURIAM:

Corey Fountain, Sr., pro se, filed a notice of appeal that we liberally construe as challenging the district court's judgment dismissing his and Janay Fountain's second amended complaints and its order denying the Fountains' motions to reopen the case under Federal Rule of Civil Procedure 60(b). The district court entered its judgment on October 10, 2025 and its post-judgment order on December 17. Corey Fountain filed his notice of appeal on January 20, 2026.

Because the Fountains' Rule 60(b) motions tolled the time to appeal the judgment, they had 30 days from entry of the December 17, 2025 order, or until January 16, 2026, to appeal the judgment. *See* 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A); Fed. R. App. P. 4(a)(4)(A)(vi) (explaining that, for tolling purposes, the time to file under Rule 60 is the same as the time to file under Rule 59); Fed. R. Civ. P. 59(b) (requiring a motion to be filed within 28 days of the judgment). The notice of appeal, filed on January 20, 2026, is thus untimely as to the judgment and the post-judgment order and cannot invoke our appellate jurisdiction. *See Green v. Drug Enf't Admin.*, 606 F.3d 1296, 1300 (11th Cir. 2010).

26-10231

Opinion of the Court

3

Accordingly, this appeal is DISMISSED, sua sponte, for lack of jurisdiction.