

NOT FOR PUBLICATION

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 26-10273  
Non-Argument Calendar

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KENNETH JAMAL SHERMAN,

*Plaintiff-Appellant,*

*versus*

SPITZER,

Individual and Official Capacity as Sergeant, et al.,

*Defendants,*

N. P. SPITZER,

Sergeant,

*Defendant-Appellee.*

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Appeal from the United States District Court  
for the Middle District of Florida  
D.C. Docket No. 3:23-cv-00892-WWB-MCR

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Before LAGOA, ABUDU, and KIDD, Circuit Judges.

## PER CURIAM:

Kenneth Jamal Sherman, a state prisoner proceeding pro se, filed a notice of appeal that we liberally construe as challenging the district court's judgment dismissing his case. The district court entered its judgment on March 3, 2025.

Sherman's notice of appeal did not include the date that he delivered it to prison authorities for mailing, but we know the earliest date he could have delivered it. *See* Fed. R. App. P. 4(c). The notice of appeal listed the appeal number for a previous appeal Sherman filed—25-13393. Sherman could not have known that appeal number before October 1, 2025, which is the date the parties were notified of the appeal number. Accordingly, we construe Sherman's notice of appeal as filed, at its earliest, on October 1.

Sherman had until April 2, 2025 to appeal the March 3 judgment. *See* 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A). His notice of appeal, filed at its earliest on October 1, 2025, is thus untimely and cannot invoke our appellate jurisdiction. *See Green v. Drug Enf't Admin.*, 606 F.3d 1296, 1300 (11th Cir. 2010).

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