

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

ALEXANDER N. GARCIA,

Plaintiff - Appellant,

v.

JOE ORTIZ, Executive Director of D.O.C., in his official capacity; RORICK, Correctional Officer, (CTCF), in his official capacity; JOHNSON, Correctional Officer, (CTCF), in his official capacity; H. WILLIAMS, Correctional Officer, (CTCF), in his official capacity; CELLA, Sargent, Correctional Officer, (CTCF), in his official capacity; MULLAY, Sargent Correctional Officer, (CTCF), in his official capacity; SHEILA, (Doe), Nurse Practitioner, (CTCF), in her official capacity; JAMES E. ABBOTT, Warden (CTCF), in his official capacity; KEVIN MILYARD, Associate Warden (CTCF), in his official capacity; TANYA SOCIAL WORKER (ACC), in her official capacity; MARYANN ALESSI, Nurse Practitioner (ACC), in her official capacity; DR. BAUTISTA, Doctor (ACC), in his official capacity; DELORES MONTOYA, Health Service Admin, (ACC), in her official capacity; PATRACIO MANZANARES, Major (ACC), in his official capacity; MASSEE, Major (ACC), in his official capacity; CARL ZENNON, Warden (ACC), in his

No. 07-1375
(D.C. No. 06-CV-01086-ZLW)

official capacity,

Defendants - Appellees.

ORDER

Filed October 30, 2007

Before **HENRY, McCONNELL**, and **TYMKOVICH**, Circuit Judges.

In an October 30, 2006 Order, the district court denied Plaintiff Garcia's motion for reconsideration. Plaintiff, proceeding *pro se*, appeals.

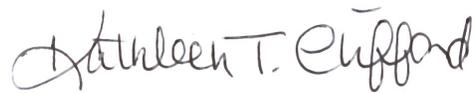
Pro se appellants must comply with the requirements of the Federal Rules of Appellate Procedure that govern all litigants. *See Ogden v. San Juan County*, 32 F.3d 452, 455 (10th Cir. 1994). Because no separate judgment pursuant to Fed. R. Civ. P. 58 was entered by the district court, the time to file a notice of appeal as to the October 30, 2006 Order did not begin to run until 150 days after entry of this order, *see* Rule 58(b)(2)(B), plus an additional 30 days under Fed. R. App. P. 4(a)(1)(A). In this appeal, the 150-day deadline expired on March 29, 2007, and the 30-day deadline expired on Monday, April 30, 2007. *See* Fed. R. App. P. 26(a)(3).

Plaintiff Garcia filed his notice of appeal as to the October 30, 2006 Order on September 11, 2007, which was 134 days past the April 30, 2007 filing deadline. Compliance with filing requirements is "mandatory and jurisdictional." *See Bowles*

v. Russell, 127 S.Ct. 2360, 2363 (2007). Plaintiff's notice of appeal as to the October 30, 2006 Order is untimely.

This appeal is **DISMISSED** for lack of appellate jurisdiction.

Entered for the Court,
Elisabeth A. Shumaker, Clerk

A handwritten signature in cursive script that reads "Kathleen T. Clifford". The signature is written in black ink and is positioned above the printed name and title.

Kathleen T. Clifford
Attorney - Deputy Clerk