

UNITED STATES COURT OF APPEALS April 15, 2008

Elisabeth A. Shumaker
Clerk of Court

FOR THE TENTH CIRCUIT

CHARLES ELWOOD YEAHQO,

Plaintiff - Appellant,

v.

CITY OF LAWRENCE, KANSAS;
LAWRENCE DOUGLAS COUNTY
HOUSING AUTHORITY;
LAWRENCE HUMAN RELATIONS
DEPARTMENT,

Defendants - Appellees.

No. 08-3014
(D.C. No. 5:07-CV-04097-RDR-KGS)
(D. Kansas)

ORDER

Before **KELLY, LUCERO**, and **MURPHY**, Circuit Judges.

On November 1, 2007, the district court entered an order and separate judgment granting a motion by Defendant Lawrence Douglas County Housing Authority to dismiss *and* a motion by Defendant City of Lawrence, Kansas, in its own behalf and in behalf of its unincorporated agency, Defendant City of Lawrence, Kansas, Human Relations Department to dismiss. The court dismissed Plaintiff's complaint for lack of subject matter jurisdiction and for failure to state a claim.

Plaintiff Yeahquo, proceeding *pro se*, appeals.

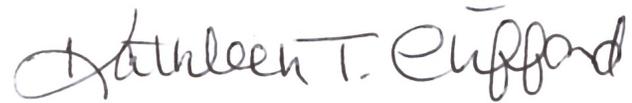
Upon review of the record and response of Appellee-Defendant City of Lawrence, this court finds that the district court's November 1, 2007 Order constitutes a final appealable decision under 28 U.S.C. § 1291. The jurisdictional show cause order challenging the finality of the November 1, 2007 Order is vacated.

Upon further review, however, the court finds that Plaintiff Yeahquo's notice of appeal is untimely as to the final order and judgment entered November 1, 2007. The thirty-day deadline under Fed. R. App. P. 4(a)(1)(A) for the filing of a timely notice of appeal in this civil case expired on Monday, December 3, 2007. *See* Fed. R. App. P. 26(a)(3). Plaintiff's notice of appeal was filed on January 2, 2008, which was thirty days past the thirty-day filing deadline. Plaintiff did not move in the district court for an extension of time under Fed. R. App. P. 4(a)(5). *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).

The time limit for filing a notice of appeal in a civil case is "mandatory and jurisdictional." *Bowles v. Russell*, 127 S.Ct. 2360, 2363 (2007). Plaintiff Yeahquo's notice of appeal is untimely. This court lacks jurisdiction.

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

Entered for the Court,
Elisabeth A. Shumaker, Clerk

A handwritten signature in black ink that reads "Kathleen T. Clifford". The signature is written in a cursive, flowing style.

Kathleen T. Clifford
Attorney - Deputy Clerk