

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

July 16, 2009

Elisabeth A. Shumaker
Clerk of Court

HENRY C. HOPKINS,

Petitioner - Appellant,

v.

HANK GALETKA,

Respondent - Appellee.

No. 09-4109
(D.C. No. 2:99-CV-00652-DB)
(D. Utah)

ORDER

Before **TACHA, BRISCOE, and TYMKOVICH**, Circuit Judges.

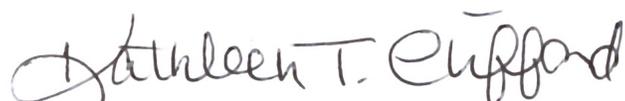
According to the notice of appeal, Henry Hopkins appeals from that part of the district court judgment denying his Fed. R. Civ. P. 60(b) motion for relief from judgment. We dismiss this appeal for lack of jurisdiction. The notice of appeal is untimely.

In a September 17, 2001 Order, the district court dismissed Henry Hopkins' petition under 28 U.S.C. § 2254 as barred by the applicable statute of limitations. Approximately eight years later, Petitioner Hopkins filed in the district court on June 2, 2009 a Rule 60(b) motion for relief from judgment and a notice of appeal. The district court docket reveals that the district court has not yet ruled on the Rule 60(b) motion. The only appealable order on the district court docket is the September 17, 2001 Order, and Petitioner's notice of appeal

was filed many years past the filing deadline set forth in Fed. R. App. P. 4(a)(1)(A) as to the 2001 order.

This 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 style with a large initial 'K' and a long, sweeping underline.

Kathleen T. Clifford
Attorney - Deputy Clerk