

UNITED STATES COURT OF APPEALS

April 4, 2012

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker  
Clerk

KELLY S. MCENTIRE,

Plaintiff - Appellant,

v.

No. 12-4056  
(D.C. No. 1:06-CV-00133-DAK)

FEDERATED INVESTMENT  
MANAGEMENT; FEDERATED  
SECURITIES, INC.; FEDERATED  
SHAREHOLDER SERVICES; UTAH  
ATTORNEY GENERAL; ROBERT  
NEWMAN; DENNIS R. KELLER; RICH  
FREEMAN; BANK OF UTAH,

Defendants - Appellees.

ORDER

Before **MURPHY, GORSUCH**, and **MATHESON**, Circuit Judges.

Plaintiff Kelly S. McEntire filed a notice of appeal on April 2, 2012, stating simply that he wanted to appeal the district court case. Mr. McEntire already pursued one unsuccessful appeal in this case in 2008. The April 2, 2012 notice does not name any specific order that the plaintiff wishes to appeal, but the most recent order was entered by the district court in 2010. Because more than a year has passed since the last potentially

appealable order was entered, we have concluded that this court is without jurisdiction to consider the appeal.

“A timely notice of appeal is both mandatory and jurisdictional.” *Allender v. Raytheon Aircraft Co.*, 439 F.3d 1236, 1239 (10th Cir. 2006) (quotation omitted). In a civil case, a notice of appeal must be filed within 30 days after the judgment or order appealed from is entered. Fed. R. App. P. 4(a)(1)(A). Although Mr. McEntire is proceeding *pro se*, he must comply with the same procedural requirements that govern other litigants. *Kay v. Bemis*, 500 F.3d 1214, 1218 (10th Cir. 2007); *Ogden v. San Juan County*, 32 F.3d 452, 455 (10th Cir. 1994).

In this case, the most recent order was entered by the district court on December 13, 2010. To be timely, a notice of appeal from this order must have been filed by January 12, 2011. The notice was not filed until April 2, 2012, more than one year after the deadline passed. The United States Supreme Court has made clear that federal courts “ha[ve] no authority to create equitable exceptions to jurisdictional requirements.” *Bowles v. Russell*, 551 U.S. 205, 214 (2007). As a result, this substantially untimely appeal cannot be saved.

APPEAL DISMISSED.

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk



by: Lara Smith  
Counsel to the Clerk