

UNITED STATES COURT OF APPEALS

August 8, 2013

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

CHRIS TILLOTSON,

Plaintiff - Appellant,

v.

T.J. MCCOY,

Defendant - Appellee.

No. 13-1327
(D.C. No. 1:10-CV-00483-REB-BNB)

ORDER

Before **BRISCOE**, Chief Judge, **GORSUCH**, and **MATHESON**, Circuit Judges.

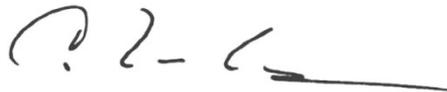
Mr. Tillotson has filed a notice of appeal, apparently seeking review of the district court's minute order entered on June 13, 2013. The appeal is untimely.

Pursuant to Fed. R. App. P. 4(a)(1)(A) (30 days for filing a notice of appeal in a civil case), Mr. Tillotson's notice of appeal was due on or before July 15, 2013. Based on the district court's docket sheet, nothing that could be construed as a notice of appeal was filed until July 23, 2013. Mr. Tillotson has not requested an extension of time from the district court to file his notice of appeal and this court cannot grant such an extension. *See* Fed. R. App. P. 4 (a)(5) and *Alva v. Teen Help*, 469 F.3d 946, 950 (10th Cir. 2006) (court of appeals lacks authority to find excusable neglect and extend the time for filing notice of appeal; only the district court may do so).

Because the notice of appeal was untimely, this court lacks jurisdiction to consider this appeal. *Bowles v. Russell*, 551 U.S. 205 (2007).

APPEAL DISMISSED.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read 'Christine Van Coney', with a long horizontal line extending to the right.

by: Christine Van Coney
Counsel to the Clerk