

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 12, 2014

Elisabeth A. Shumaker
Clerk of Court

MICHAELBEAU GIBSON,

Plaintiff - Appellant,

v.

COLORADO COURT OF APPEALS,

Defendant - Appellee.

No. 14-1332
(D.C. No. 1:14-CV-01128-LTB)

ORDER

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

This matter is before the Court for consideration of Appellant's September 8, 2014 response to the Court's August 22, 2014 order to show cause why this appeal should not be dismissed for lack of jurisdiction due to Appellant's failure to timely file his notice of appeal.

Mr. Gibson seeks to appeal from the district court's May 29, 2014 order and judgment dismissing, without prejudice, the underlying civil rights action. Pursuant to Fed. R. App. P. 4(a)(1)(A) and Fed. R. Civ. P. 26(a)(1)(C), Mr. Gibson's notice of appeal was due on or before June 30, 2014. It was not received until August 18, 2014, forty-nine days late.

Because the notice of appeal was untimely; the district court refused to extend or reopen the time to appeal; and Mr. Gibson failed to set forth, in his response to the

Court's show cause order, any grounds to excuse the late filing of his notice of appeal, this Court lacks jurisdiction over this attempted appeal. *Bowles v. Russell*, 551 U.S. 205 (2007) (The timely filing of a notice of appeal is both mandatory and jurisdictional.).

Accordingly, this appeal is **DISMISSED**.

Entered for the Court,

ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read 'Chris Wolpert', written over a horizontal line.

by: Chris Wolpert
Chief Deputy Clerk