

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

October 16, 2014

FOR THE TENTH CIRCUIT

**Elisabeth A. Shumaker
Clerk of Court**

MARVIN O. HOLLOMAN,

Petitioner - Appellant,

v.

RICK RAEMISCH, Executive Director of
the Department of Corrections; THE
ATTORNEY GENERAL OF THE STATE
OF COLORADO,

Respondents - Appellees.

No. 14-1422
(D.C. No. 1:06-CV-01226-WYD)

ORDER

Before **TYMKOVICH, GORSUCH, and HOLMES**, Circuit Judges.

Mr. Holloman seeks to appeal from the district court's March 24, 2009 order and judgment denying his Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Pursuant to Fed. R. App. P. 4(a)(1)(A), Mr. Holloman's notice of appeal was due on or before April 23, 2009. It was not received until October 15, 2014 – over five years late.

Because the notice of appeal was untimely, this Court lacks jurisdiction over this attempted appeal. *Bowles v. Russell*, 551 U.S. 205, 207 (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', with a long horizontal stroke extending to the right.

by: Chris Wolpert
Chief Deputy Clerk