

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

July 3, 2014

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

JOSEPH CASTILLO,

Plaintiff - Appellant,

v.

DURHAM SCHOOL SERVICES LP;
CITY OF ALBUQUERQUE; UNITED
STATES POSTAL SERVICE,

Defendants - Appellees.

No. 14-2118
(D.C. No. 1:12-CV-01040-JB-ACT)

JOSEPH CASTILLO,

Plaintiff - Appellant,

v.

CITY OF ALBUQUERQUE,

Defendant - Appellee.

No. 14-2119
(D.C. No. 1:09-CV-00592-JB-LFG)

ORDER

Before **LUCERO, HARTZ, and PHILLIPS**, Circuit Judges.

Pro se plaintiff Joseph Castillo appeals the district court's final judgments in two separate cases, Case No. 14-2118, *Castillo v. Durham School Services, et al.*, and Case No. 14-2119, *Castillo v. City of Albuquerque*. The notices of appeal were filed

substantially out of time, however. Consequently, we have concluded that this court lacks jurisdiction to consider these appeals.

Taking an appeal within the prescribed time is required to convey jurisdiction upon this court. *Bowles v. Russell*, 551 U.S. 205, 209 (2007). When the United States or its agency is a party, as it is in Case No. 14-2118, a notice of appeal must be filed within 60 days after the judgment is entered. 28 U.S.C. § 2107(b); Fed. R. App. P. 4(a)(1)(B). When the United States is not a party, like Case No. 14-2119, a notice of appeal must be filed within 30 days after the judgment or order appealed from is entered. 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A). Although Mr. Castillo is proceeding *pro se*, he must comply with the same procedural requirements as all other litigants. *Kay v. Bemis*, 500 F.3d 1214, 1218 (10th Cir. 2007).

In Case No. 14-2118, the district court's final judgment was entered on May 31, 2013. The deadline to appeal was July 29, 2013. The notice of appeal was not filed until June 30, 2014, nearly a year after the deadline passed. In Case No. 14-2119, the district court's final judgment was entered on March 9, 2010. The deadline to appeal was April 8, 2010. The notice of appeal was also not filed until June 30, 2014, which is more than four years after the deadline passed. Because neither appeal was taken within the time prescribed, we lack jurisdiction to consider either. *Jenkins v. Burtzloff*, 69 F.2d 460, 464 (10th Cir. 1995) ("The time limit has run and we are without jurisdiction under the facts of this case.").

APPEALS DISMISSED.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink that reads "Lara Smith". The signature is written in a cursive style with a large initial 'L' and a long, sweeping underline.

by: Lara Smith
Counsel to the Clerk