

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 03-2587

Julius Simmons,

Appellant,

v.

St. Louis City Police Department;
City of St. Louis; Unknown Stanze,
St. Louis Police Officer,

Defendants,

Stephen Dodge, St. Louis Police
Officer,

Appellee.

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Appeal from the United States
District Court for the
Eastern District of Missouri.

[UNPUBLISHED]

Submitted: July 23, 2004
Filed: August 6, 2004

Before MURPHY, FAGG, and SMITH, Circuit Judges.

PER CURIAM.

Julius Simmons appeals the district court's¹ adverse judgment entered upon a jury verdict in his 42 U.S.C. § 1983 action for excessive use of force. Upon careful review of the record, we conclude Simmons's appeal is untimely because his notice of appeal was not filed within thirty days of entry of final judgment, and Simmons did not seek an extension of time to file his notice of appeal. See Fed. R. App. P. 4(a).

Accordingly, we dismiss the appeal as untimely.

¹The Honorable Catherine D. Perry, United States District Judge for the Eastern District of Missouri.