

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

IVAN L. MENDEZ,
Plaintiff-Appellant,

v.

THE NATIONAL RAILROADS OF MEXICO
Defendant-Appellee.

2010-1448

Appeal from the United States District Court for the District of New Mexico in 09-CV-1222, Judge Robert C. Brack.

Before PROST, MAYER, and MOORE, *Circuit Judges.*

PER CURIAM

O R D E R

Ivan L. Mendez responds to the court's order directing him to show cause why his appeal should not be dismissed.

Mendez filed a complaint against The National Railroads of Mexico, appearing to allege civil rights violations. The United States District Court for the District of New

Mexico dismissed the complaint for failure to state a claim upon which relief may be granted. Mendez appealed, seeking review by this court.

This court's jurisdiction over appeals of district court decisions is limited primarily to cases involving patents and suits against the United States not exceeding \$10,000. *See* 28 U.S.C. § 1295 (a)(1), (2). Mendez's appeal is not within this court's jurisdiction. We also note that the district court entered judgment on January 6, 2010. Mendez's notice of appeal was filed on July 20, 2010. Any appeal of the district court's judgment was due no later than February 5, 2010. Thus, because the appeal was not timely filed and is not within this court's jurisdiction, we dismiss the appeal.*

Accordingly,

IT IS ORDERED THAT:

- (1) The appeal is dismissed. Any pending motions are denied as moot.
- (2) Each side shall bear its own costs.

FOR THE COURT

MAR 04 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

MAR 04 2011

cc: Ivan L. Mendez

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**JAN HORBALY
CLERK**

* Mendez also previously sought review by the United States Court of Appeals for the Tenth Circuit. On July 28, 2010, the Tenth Circuit dismissed that appeal for failure to prosecute.