

NOTE: This order is nonprecedential.

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

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**RAJ K. PATEL,**  
*Plaintiff-Appellant*

v.

**UNITED STATES,**  
*Defendant-Appellee*

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2023-1323

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Appeal from the United States Court of Federal Claims  
in No. 1:22-cv-00734-LAS, Senior Judge Loren A. Smith.

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PER CURIAM.

**O R D E R**

Raj K. Patel appeals from the United States Court of Federal Claims' August 12, 2022, judgment dismissing his complaint. In response to the court's March 2, 2023, show cause order, the United States urges dismissal of this appeal as untimely. Mr. Patel "move[s] . . . to allow the

appeal,” ECF No. 13 at 1, and suggests that this case may be consolidated with Appeal No. 2023-1325.\*

The timely filing of a notice of appeal from the Court of Federal Claims is “a jurisdictional requirement” and “not subject to equitable tolling.” *Marandola v. United States*, 518 F.3d 913, 914 (Fed. Cir. 2008) (citation omitted). To be timely, a notice of appeal must be received by the Court of Federal Claims within 60 days after the entry of final judgment. See 28 U.S.C. §§ 2107, 2522; Fed. R. App. P. 4(a)(1)(B); Fed. Cir. R. 1(a)(1)(C). In this case, it is undisputed that Mr. Patel’s notice of appeal was filed 137 days after final judgment. Thus, we lack jurisdiction over Mr. Patel’s untimely appeal. To the extent that Mr. Patel’s response argues that this appeal can be deemed timely based on this court’s jurisdiction over his separate appeal involving a different underlying case, we must reject that argument at least because his notice of appeal in that case filed on December 21, 2022, was likewise not filed within 60 days of entry of final judgment in this case.

Accordingly,

IT IS ORDERED THAT:

- (1) The appeal is dismissed.
- (2) Each side shall bear its own costs.

FOR THE COURT

April 21, 2023

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner  
Clerk of Court

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\* The court notes that it granted the United States’ motion for summary affirmance in Appeal No. 2023-1325 on March 7, 2023.