

NOTE: This order is nonprecedential.

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

REGINALD NATHANIEL MALLARD,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2024-1148

Appeal from the United States Court of Federal Claims
in No. 1:23-cv-01504-EMR, Judge Eleni M. Roumel.

Before MOORE, *Chief Judge*, TARANTO and CHEN, *Circuit
Judges*.

PER CURIAM.

O R D E R

On October 13, 2023, Reginald Nathaniel Mallard filed a notice of appeal at the United States Court of Federal Claims. Because Mr. Mallard's case was still proceeding before that court, this court directed the parties to show cause why this appeal should not be dismissed for lack of jurisdiction. In response, the United States urges dismissal. Mr. Mallard has not responded.

An appellant must file a notice of appeal that “designates “the judgment” or “appealable order” from “which the appeal is being taken.” Fed R. App. P. 3(c)(1)(B). This requirement is “jurisdictional in nature, and [its] satisfaction is a prerequisite to appellate review.” *Smith v. Barry*, 502 U.S. 244, 248 (1992) (citation omitted). Mr. Mallard’s notice of appeal designates an October 11, 2023 order.* However, no order from that date appears on the trial court’s docket. At the time Mr. Mallard filed his appeal, the only orders listed on the docket were (1) an order accepting Mr. Mallard’s non-compliant document and (2) an order granting Mr. Mallard leave to proceed *in forma pauperis*. Mr. Mallard’s notice of appeal does not indicate any intent to seek review of those favorable decisions.

The Court of Federal Claims later entered final judgment on November 17, 2023, but the notice of appeal was filed before that date and likewise cannot be understood as intending to seek review of that judgment. As Mr. Mallard was specifically informed in the show cause order, if he wished to appeal from the final judgment in his case, he needed to timely file a new notice of appeal or amend his existing notice of appeal. *See* Fed. R. App. P. 4(a)(4)(B)(ii). Because he did neither, the final judgment is not properly before this court. Since Mr. Mallard’s notice of appeal fails to identify any appealable order, we dismiss.

Accordingly,

IT IS ORDERED THAT:

- (1) The appeal is dismissed.

* Mr. Mallard’s notice of appeal also identifies eleven “Points of Appeal,” but there is no apparent connection between those points and any of the orders issued by the trial court. ECF No. 1-2 at 2–3.

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(2) Each party shall bear its own costs.

FOR THE COURT



February 28, 2024
Date

Jarrett B. Perlow
Clerk of Court