

NOTE: This order is nonprecedential.

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

ANTHONY-VINCENT CARTMAN,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2024-1867

Appeal from the United States Court of Federal Claims
in No. 1:23-cv-00809-KCD, Judge Kathryn C. Davis.

Before DYK, REYNA, and CHEN, *Circuit Judges*.

PER CURIAM.

O R D E R

In response to this court's July 9, 2024 show cause order, the United States urges dismissal of this appeal as untimely. Anthony-Vincent Cartman has not responded.

The United States Court of Federal Claims entered judgment dismissing Mr. Cartman's complaint for lack of subject matter jurisdiction on December 15, 2023. The Court of Federal Claims denied Mr. Cartman's motion for reconsideration on February 13, 2024. Mr. Cartman's

notice of appeal was filed on May 3, 2024, 80 days after denial of his motion for reconsideration.

To be timely, a notice of appeal must be received by the Court of Federal Claims within 60 days of the entry of the final judgment. 28 U.S.C. §§ 2107(b), 2522; Fed. R. App. P. 4(a)(1)(B), (a)(4)(A); Fed. Cir. R. 1(a)(1)(C). The statutory deadline is mandatory and jurisdictional, such that we may not excuse a late notice. *Marandola v. United States*, 518 F.3d 913, 914 (Fed. Cir. 2008); *see also Bowles v. Russell*, 551 U.S. 205, 209 (2007); *cf.* Fed. R. App. P. 26(b)(1). Because the notice of appeal was not received within that time, we lack jurisdiction and must dismiss.

Accordingly,

IT IS ORDERED THAT:

- (1) The appeal is dismissed.
- (2) All pending motions are denied.
- (3) Each party shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

September 16, 2024
Date