

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-13090

Non-Argument Calendar

RODNEY KEATON,

Plaintiff-Appellant,

versus

MIAMI-DADE COUNTY
DIRECTOR/POLICE CHIEF, et al.,

Defendants,

R. MUNIA,
Office #41776,
SERGEANT PASTOR,
#28581 [FNU],
MAYOR OF THE CITY OF MIAMI,

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CITY OF MIAMI POLICE CHIEF,
MORALES A. MANUEL,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:19-cv-22859-DPG

Before WILSON, GRANT, and BRASHER, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. The 30-day statutory time limit required Rodney Keaton to file a notice of appeal from the district court's August 18, 2023, final judgment on or before September 18, 2023. *See* 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A). However, Keaton did not file a notice of appeal until September 19, 2023.

Further, there is no basis in the record for relief under Federal Rules of Appellate Procedure 4(a)(5) or 4(a)(6) because Keaton did not move to extend or reopen the appeal period or indicate in his notice of appeal that he failed to receive formal notice of the entry of judgment. *See* Fed. R. App. P. 4(a)(5) (providing that a party may move to extend the time for filing a notice of appeal

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within 30 days of entry of final judgment); *Sanders v. United States*, 113 F.3d 184, 187 (11th Cir. 1997) (noting that we will construe a late *pro se* notice of appeal as a motion to reopen the appeal period under Rule 4(a)(6) if the appellant indicates that he did not receive notice of the entry of an order or judgment within 21 days of its entry). Accordingly, the notice of appeal is untimely and cannot invoke our appellate jurisdiction. See *Hamer v. Neighborhood Hous. Servs. of Chi.*, 138 S. Ct. 13, 21 (2017).

No petition for rehearing may be filed unless it complies with the timing and other requirements of 11th Cir. R. 40-3 and all other applicable rules.