

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

**For the Seventh Circuit
Chicago, Illinois 60604**

Submitted January 23, 2024*

Decided January 24, 2024

Before

MICHAEL Y. SCUDDER, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 23-1475

MATTIE T. LOMAX,
Plaintiff-Appellant,

v.

MLC PROPERTIES & MANAGEMENT
INC., et al.,
Defendants-Appellees.

Appeal from the United States District
Court for the Northern District of
Illinois, Eastern Division.

No. 22-cv-04527

Franklin U. Valderrama,
Judge.

ORDER

Mattie Lomax appeals the dismissal of her complaint related to a 2017 dispute with the landlord who took over her apartment building. Because Lomax did not timely appeal, we lack jurisdiction to consider her arguments, and we must dismiss the case.

* The appellees were not served with process and are not participating in this appeal. We have agreed to decide the case without oral argument because the brief and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

In August 2022, after having unsuccessfully pursued relief in state court, Lomax sued the property managers of her apartment building in federal district court for breach of contract, harassment, and causing emotional stress. She attributed the alleged mistreatment to discrimination based on her race and her status as a recipient of federally subsidized housing assistance. *See generally* Fair Housing Act of 1988, 42 U.S.C. §§ 3604, 3617.

On October 4, 2022, the district court dismissed the complaint without prejudice, citing claim preclusion (the complaint appended documents from the state-court case on the same subject) and other problems. The court instructed Lomax to file an amended complaint by November 17; otherwise, it would dismiss the case. Nothing happened until Lomax filed a motion “to remittitur or amend complaint” on December 19, 2022. In her motion, she cited Rule 59 of the Federal Rules of Civil Procedure and generally repeated her allegations. A few days later, on December 21, the court construed the motion as a request to alter or amend the judgment under Rule 59(e) but denied the motion because Lomax had not proposed any way of curing the deficiencies identified in the dismissal order. Months later, on March 9, 2023, Lomax filed a notice of appeal that designated the December 21, 2022, order denying the motion to alter or amend the judgment.

We have an obligation to consider jurisdiction on our own initiative, *Hamer v. Neighborhood Hous. Servs. of Chi.*, 583 U.S. 17, 20 (2017), and here we lack jurisdiction over Lomax’s appeal because it is untimely, *id.* at 19–20. Under 28 U.S.C. § 2107 and Rule 4(a)(1)(A) of the Federal Rules of Appellate Procedure, a notice of appeal in a civil case must be filed in the district court within 30 days of the judgment or the order being appealed. But Lomax did not file a notice of appeal within 30 days of the date on which the dismissal order became final. *See Davis v. Advoc. Health Ctr. Patient Care Express*, 523 F.3d 681, 683 (7th Cir. 2008) (no further order required once time for correction has elapsed) (citing *Otis v. City of Chicago*, 29 F.3d 1159, 1165–66 (7th Cir. 1994) (en banc)). And she did not receive an extension, either by request or by operation of a timely post-judgment motion. *See* FED. R. APP. P. 4(a)(5), 4(a)(4)(A)(iv). Nor did she timely appeal the denial of the Rule 59(e) motion: she filed her notice of appeal 78 days after the court denied it. The district court did not extend the appeal period, *see* FED. R. APP. P. 4(a)(5), and this court is not empowered to do so, *see id.* R. 26(b). Accordingly, the single notice of appeal is not timely as to either the dismissal or the denial of the Rule 59(e) motion.

DISMISSED