

United States Court of Appeals  
For the Eighth Circuit

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No. 13-1126

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Jerry D. Brumbaugh,

*Plaintiff - Appellant,*

v.

Chief Justice John G. Roberts; Justice Stephen G. Breyer; Justice Samuel Alito;  
Justice Ruth Bader Ginsburg; Justice Anthony Kennedy; Justice Clarence Thomas;  
Justice John Paul Stevens; Justice David H. Souter; Justice Antonin Scalia,

*Defendants - Appellees.*

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Appeal from United States District Court  
for the Western District of Missouri - Springfield

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Submitted: March 12, 2013

Filed: April 1, 2013

[Unpublished]

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Before MURPHY, SMITH, and COLLOTON, Circuit Judges.

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PER CURIAM.

Robert Brumbaugh appeals after the district court<sup>1</sup> dismissed his pro se complaint and denied his motions for reconsideration. Having carefully reviewed the record, we conclude that Brumbaugh's notice of appeal (NOA) was timely only as to the district court's January 2013 orders denying two of his motions for reconsideration, see United States v. Watson, 623 F.3d 542, 545 (8th Cir. 2010) (NOA time limits are jurisdictional); Dieser v. Cont'l Cas. Co., 440 F.3d 920, 923 (8th Cir. 2006) (court can raise jurisdiction sua sponte when there is indication jurisdiction is lacking), and we further conclude that the district court did not abuse its discretion in denying those motions, see In re Guidant Corp. Implantable Defibrillators Prod. Liab. Litig., 496 F.3d 863, 866 (8th Cir. 2007) (abuse-of-discretion standard of review).

Accordingly, we affirm. See 8th Cir. R. 47B. We also deny Brumbaugh's motion for appointment of counsel.

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<sup>1</sup>The Honorable Richard E. Dorr, United States District Judge for the Western District of Missouri.