

United States Court of Appeals
For the Eighth Circuit

No. 15-2669

United States of America

Plaintiff - Appellee

v.

DeJuan Thornton

Defendant - Appellant

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

Submitted: April 21, 2016

Filed: April 25, 2016

[Unpublished]

Before GRUENDER, ARNOLD, and SHEPHERD, Circuit Judges.

PER CURIAM.

DeJuan Thornton, a federal prisoner, appeals the district court's¹ order committing him for treatment under 18 U.S.C. § 4245. To be timely, Mr. Thornton's notice of appeal from the final judgment, entered on March 6, 2015, had to be filed by May 5, 2015. See Fed. R. App. P. 4(a)(1)(B) (providing 60 days to appeal in civil case involving government as party). The notice of appeal was filed on May 26, 2015. Even if we were to consider it to have been filed on May 19--the date it bears, cf. Fed. R. App. P. 4(c)(1) (prison mailbox rule)--it would still be untimely, and therefore we lack jurisdiction over this civil appeal. See Dieser v. Cont'l Cas. Co., 440 F.3d 920, 923 (8th Cir. 2006) (holding that requirement of timely notice of appeal is mandatory and jurisdictional, and that federal court will raise jurisdiction issues sua sponte).

Accordingly, the appeal is dismissed, and the pending motions are denied as moot.

¹The Honorable M. Douglas Harpool, United States District Judge for the Western District of Missouri, adopting the report and recommendations of the Honorable David P. Rush, United States Magistrate Judge for the Western District of Missouri.