

NOTE: This order is nonprecedential.

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

MATTIE LOMAX,
Plaintiff-Appellant

v.

**LUIS G. MONTALDO, SHIRLEY SHABAZZ,
MICHAEL HENDERSON, LISA LESUER,
CHARLENE STAFFORD, TANYA WATKING, ALAN
ADRIAN TAYLOR,**
Defendants-Appellees

2023-1456

Appeal from the United States District Court for the Southern District of Florida in No. 1:09-cv-23293-KMM, Judge K. Michael Moore.

PER CURIAM.

O R D E R

In response to this court's order directing the parties to address whether this appeal should be dismissed, Luis G. Montaldo urges dismissal. Mattie Lomax opposes dismissal and requests summary judgment. Because we lack jurisdiction, we must dismiss the appeal.

Ms. Lomax brought suit in the United States District Court for the Southern District of Florida alleging that the Clerk and other employees of the state's Eleventh Judicial Circuit of Florida conspired to deprive her of certain constitutional rights. On January 11, 2011, the district court dismissed her complaint. In March 2011, the district court denied reconsideration. The district court has since denied several submissions filed by Ms. Lomax. In particular, on January 22, 2020, the district court struck as "frivolous and vexatious" her "emergency notice of removal" filed that same day. ECF No. 1-2 at 31. On January 23, 2023, Ms. Lomax filed this appeal seeking review of that order.

"[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement," *Bowles v. Russell*, 551 U.S. 205, 214 (2007), and, in order to be timely, a notice of appeal must generally be filed within 30 days after entry of final judgment, 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A). Here, Ms. Lomax filed her notice of appeal three years after the January 2020 order she identified in her notice of appeal. At least because of this untimeliness, we lack jurisdiction over the appeal, and we cannot transfer under 28 U.S.C. § 1631 because the appeal would not be timely in any other court of appeals.

Accordingly,

IT IS ORDERED THAT:

- (1) The appeal is dismissed.
- (2) Each party shall bear its own costs.

FOR THE COURT

June 13, 2023
Date

/s/ Jarrett B. Perlow
Jarrett B. Perlow
Acting Clerk of Court