

NOTE: This order is nonprecedential.

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

**POWER DENSITY SOLUTIONS LLC, JAMES
HILDEBRANDT,**
Plaintiffs-Appellants

v.

UNITED STATES,
Defendant-Appellee

2023-1957

Appeal from the United States Court of Federal Claims
in No. 1:21-cv-00911-AOB, Judge Armando O. Bonilla.

ON MOTION

Before DYK, CUNNINGHAM, and STARK, *Circuit Judges*.
CUNNINGHAM, *Circuit Judge*.

ORDER

The United States Court of Federal Claims entered judgment in this case on March 21, 2023. On May 23, 2023, appellants filed their notice of appeal from that judgment. The United States moves to dismiss this appeal as untimely. The appellants have not responded.

To be timely, a party must file an appeal within 60 days of the final judgment or order being appealed from the Court of Federal Claims. *See* 28 U.S.C. §§ 2107, 2522; Fed. R. App. P. 4(a)(1)(B); Fed Cir. R. 1(a)(1)(C). This time limit is “a jurisdictional requirement” and “not subject to equitable tolling.” *Marandola v. United States*, 518 F.3d 913, 914 (Fed. Cir. 2008) (citation omitted). Here, the notice of appeal was due no later than May 22, 2023. Fed. R. App. P. 26(a)(1)(C). Because the notice of appeal was not received within that time, we lack jurisdiction and must dismiss.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion is granted. The appeal is dismissed.
- (2) The parties shall bear their own costs.

FOR THE COURT

October 26, 2023

Date

/s/ Jarrett B. Perlow

Jarrett B. Perlow
Clerk of Court