

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-10280

Non-Argument Calendar

KENNETH DOCTOR,

Petitioner-Appellant,

versus

SECRETARY, DEPARTMENT OF CORRECTIONS,
FLORIDA ATTORNEY GENERAL,

Respondents-Appellees.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 3:21-cv-00155-BJD-MCR

Before JORDAN, JILL PRYOR, and LAGOA, Circuit Judges.

PER CURIAM:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Although Kenneth Doctor's construed motion for reconsideration was timely to toll the time to appeal from the district court's September 14, 2023 final judgment until the motion's disposition, Doctor did not timely appeal. Because the district court denied the motion on October 17, 2023, the 30-day statutory time limit required Doctor to file a notice of appeal on or before November 16, 2023 to appeal the judgment or the October 17 order. *See* 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A). However, he did not file a notice of appeal until January 16, 2024, which is the date he provided the notice to prison officials for mailing. *See Jeffries v. United States*, 748 F.3d 1310, 1314 (11th Cir. 2014). Further, there is no basis in the record for relief under Federal Rules of Appellate Procedure 4(a)(5) or 4(a)(6). Accordingly, the notice of appeal cannot invoke our appellate jurisdiction. *See Green v. Drug Enf't Admin.*, 606 F.3d 1296, 1300 (11th Cir. 2010).

All pending motions are DENIED as moot. No petition for rehearing may be filed unless it complies with the timing and other requirements of 11th Cir. R. 40-3 and all other applicable rules.