

No. 12-1415

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

MICHAEL GRESHAM,
Plaintiff-Appellant,

V.

UNKNOWN VIOLETTA, RUO, et al.,
Defendants-Appellees.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

ORDER

FILED

Jun 12, 2012

LEONARD GREEN, Clerk

Before: MARTIN and CLAY, Circuit Judges; HOOD, District Judge.*

PER CURIAM. This matter is before the court upon consideration of Michael Gresham’s response to our order directing him to show cause why his appeal should not be dismissed on the basis of a late notice of appeal. Gresham responded by stating: (1) that he mailed a notice of appeal to the district court on March 2, 2012, but the district court rejected it; and (2) that prior to the March 2, 2012 mailing, he filed a notice of appeal on February 14, 2012, but prison officials may have “intercepted” it.

The record indicates that the district court entered its order on February 6, 2012, denying Gresham leave to proceed *in forma pauperis* in the district court. The notice of appeal filed on March 19, 2012 is late. See Fed. R. App. P. 4(a) and 26(a). There is no indication on the district court docket report that the notice of appeal Gresham allegedly mailed on March 2, 2012 was rejected. Further, there is no evidence of a February 14, 2012 notice.

Compliance with Rule 4(a) is a mandatory prerequisite that we may neither waive nor extend. *Bowles v. Russell*, 551 U.S. 205, 214 (2007); *Ultimate Appliance CC v. Kirby Co.*, 601 F.3d 414,

*The Honorable Joseph M. Hood, United States District Judge for the Eastern District of Kentucky, sitting by designation.

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415–16 (6th Cir. 2010). Federal Rule of Appellate Procedure 26(b) specifically provides that we may not enlarge the time for filing a notice of appeal except as authorized in Rule 4.

The appeal is dismissed.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "J. Michael Jones", is written over the printed name of the Clerk.

Clerk